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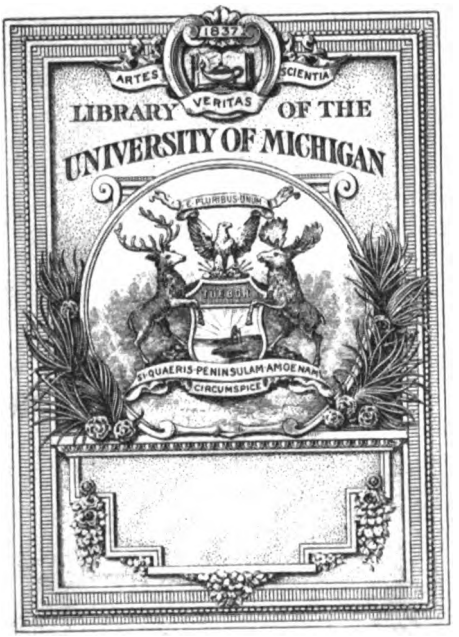
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THE

HISTORY

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OF

NEW JERSEY,

FROM ITS

DISCOVERY BY EUROPEANS,

TO

THE ADOPTION

OF THE

FEDERAL CONSTITUTION.

BY

THOMAS F. GORDON.

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1834.

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Entered by THOMAS F. GORDON, according to the Act of Congress, in the Clerk's Office of the District Court for the Eastern District of Pennsylvania.

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PREFACE.

An attempt has been made in the following pages to narrate, succinctly, but fully, the history of New Jersey, from the time of its discovery by Europeans, to that of the adoption of the constitution of the United States. By the latter event, the individuality of the State, as a historical subject, is merged in the history of the nation; and the subsequent period of unvaried political prosperity, within her borders, presents few matters for the historian.

The story we have told, has, for the inhabitants of the State, the interest of their peculiar and proper affairs; but, like such affairs, may not prove attractive to strangers. Like Pennsylvania, this State was founded by deeds of peace; and no community, in any country, can have undergone less vicissitude. Her prudence and justice preserved her from Indian hostility, and her distance from the frontier protected her from the inroads of the French. She has known, therefore, no wars, save those commanded by the king, or undertaken in defence of her own civil liberty. To pourtray the part, which, as a colony, she took in the one, and as an independent State, in the other, it has been necessary to treat of the general colonial and revolutionary history; yet no further than was indispensable to exhibit the action of New Jersey.

In the compilation of the work, resort has been had to all the known histories of the Anglo-American colonies, to the best writers on the American revolution, and to the minutes of the legislature and the statutes, for a period of more than one hundred and twenty years. From these sources, it is believed, that a faithful and ample narrative has been obtained. More particulars of the horrors which attended the revolutionary war, especially of those which were inflicted by furious tory partisans, might, perhaps, have been added, if full reliance were due to the partial newspaper accounts, frequently written under excitement unfavourable to truth. Yet, enough of these scenes has been described to display the nature and extent of the sufferings of the inhabitants; more would have served rather to disgust, than to entertain, the reader.

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The author submits the result of his labours to the many subscribers by whom they have been encouraged, with an assurance of his readiness, in another edition, to supply such omissions, and to correct such errors, as may be discovered in the present.

March, 1834.

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THE

HISTORY OF NEW JERSEY.

CHAPTER I.

Comprising Events from the Discovery by Europeans, to the Grant from Charles I. to James Duke of York.—I. Ancient and Modern Principles of Colonization.—II. Voyages of the Spaniards and Portuguese upon the East Coast of North America.—III. Voyages of the Italians, Verrazano and the Cabots.—IV. First English Attempts at Discovery.—V. Efforts of Raleigh to establish a Colony.—VI. Gosnold opens a new Road—London and Plymouth Companies created.—VII. Voyages and Discoveries of Hudson.—VIII. Intercourse of the Dutch East India Company with America, and Formation of the Amsterdam Licensed Trading West India Company.—IX. Settlement of the Puritans at Plymouth.—X. Formation of the Great West India Company in Holland.—XI. Voyage and Proceedings of Cornelius Jacobse Mey.—XII. Measures of the Company to promote Emigration; Purchases of large Tracts of Land from the Indians.—XIII. Voyages of De Vries; Colony planted—The Delaware abandoned by the Dutch.—XIV. Minisink Settlements on the Delaware.—XV. Settlements of the Swedes on the Delaware—first Project of a Colony—first Colony—increase of Settlers.—XVI. Colonial Government established—Colonel Printz first Governor.—XVII. English Settlements upon the Delaware—prostrated by a united Force of Dutch and Swedes.—XVIII. Swedish Government under Printz and his Successors.—XIX. Swedish Colony subjected by the Dutch.—XX. Dutch Colonial Government on the Delaware—Possessions on the East of New Jersey.—XXI. Account of the English Settlements upon the Delaware previous to 1664—under Patent from Lord Baltimore—under Grant to Sir Edward Ploeyden—by Traders from New Haven.—XXII. Plans of New England Settlers for Conquest of the Dutch Colonies.—XXIII. Duke of York's Charter from the Crown and Grant to Berkeley and Carteret.—XXIV. Conquest of New Netherlands, by Colonel Nicholls.—XXV. English Government established on the Delaware.—XXVI. Condition of New Netherlandts at the time of the Surrender.

I. A distinction has frequently been taken between ancient and modern colonization; ascribing the former to military, and the latter to commercial principles. But this classification does not embrace the various species of colonies, in present or past time. A more happy division of the subject would seem to be, into colonies founded by individuals, in their search of happiness; and colonies planted by states, with a view to military or commercial purposes. By the first, our race was originally spread over the face of the globe. It has prevailed at all times, as well among the Egyptians, Athenians, and other ancient people, as among the moderns, who instituted the communities of the North American confederacy. The early Greek colonies, generally, sprung from the desire of the citizens to ameliorate their condition; and the immediate impulse was, excess of population, the ambition of chiefs, the love of liberty, or contagious and frequent maladies. The bonds of filiation connected the colony with the parent state; and the endearing names of daughter, sister and mother, sanctioned and preserved the alliances between them. But in the Grecian colonies of latter date, we trace commercial and political views. The Carthaginians, also, seem to have established colonies upon commercial principles; and two treaties, recorded

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by Polybius,* between them and the Romans, are in the true spirit of modern colonial policy. On the other hand, the Roman colonies were military establishments, designed to maintain or extend their conquests; and their agrarian allotments, to disbanded veterans and discontented and clamorous citizens, partook of the same character. Commercial motives seem rarely to have blended with the policy of these haughty conquerors. Such, also, in more recent days were the colonies of the Normans, in England, France, and the south of Europe; of the English, in Ireland and Indostan; of the Portuguese and Dutch in either India; and of a portion of the Spanish settlements in the New World.

In general, the civil colonies of the ancients were independent of the authority of the parent state; though, necessarily, influenced by the ties of charity which connected them with her. But, modern history, we believe, furnishes no instance of a colony independent in its inception; unless the short-lived religious communities of the Jesuits, in America, and of the Moravians in the northern parts of both continents, be so considered. The colonies of the western hemisphere were, generally, commenced under the sanction of, and in dependence upon, some European state. Even the ascetic Brownists, in their torpid settlement of New Plymouth, began their labours under the auspices of James I. of England: and though for some years, they were unnoticed by the crown, they claimed and enjoyed the protection due to English subjects.

The colonization of America was prompted and directed by various passions. The Spaniards and Portuguese were inspired by visions of sudden wealth, by the love of that fame which chivalric adventure gave, and by an apostolic desire of spreading their religious faith among the heathen. The founders of states in the northern continent, were actuated by more sober, but not dissimilar views. Raleigh and his associates sought wealth and reputation, by extending the power and fame of their mistress and their country; and the provincial proprietaries, holders of large grants from the crown, were excited by ambition and avarice; which in Calvert and Penn, at least, were blended with a noble philanthropy, delighting to assure religious and civil liberty to their associates and their successors. The subgrantees and settlers who subdued the wilderness, came with great diversity of purpose. Many fled from religious, some, from political persecution; but, the larger portion was induced by that well founded hope of ameliorating the condition of themselves and their posterity, which flowed from the unrestricted possession of a rich and virgin soil, in whose fruits they were protected, against lawful and lawless violence. The religious instruction of the savage is a condition of every royal grant; and afforded to the grantor, doubtless, a full extenuation of the injustice of invasion. The extensive grant of Charles II. to his brother, of York, was moved by political causes, and designed, probably, also, to reward the services of others, which he could not, in a different manner, acknowledge. The immediate grantees of the Duke, were wise enough to see, that their interest lay in the adoption of the most liberal principles of political association, which circumstances would permit; and these circumstances were most favorable, to civil and religious liberty.

The period in which the foundations of the Anglo-American colonies were laid, was rife with events, which sowed the indestructible seeds, and reared into strength the scions of human liberty. The integrity and infallibility of clerical power, had been shaken to pieces by Luther and Calvin; and the divinity of kings had expired with the unhappy Charles. The religious contests, and the transition of power from one religious sect to another,

* Lib. iii. c. 22.

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had taught to Catholic and Protestant, the advantages, if not the necessity, of religious toleration. Letters, the cause and power of religious freedom, had been equally serviceable to civil liberty; and the great truth which, for ages, had laid buried in the ruins of civilization, beneath sacerdotal palaces and prisons, and the gothic gorgeousness of the feudal system,—the great truth, that political power belonged to, and was made for, the people, had been rediscovered—was proclaimed abroad, and had become generally understood among men—among Englishmen. That truth had wrenched the sceptre from the grasp of an obstinate and bigoted despot, and borne him to the block—had overthrown a monarchy and created a republic; and because of the abuse of republican forms, had again established a throne. Religious and political freedom were in England terms as familiar as household words, and enforced, even from the hate of her princes, the most profound respect.

It was vain, therefore, to think of the formation of new political societies, without adverting to, and securing these great essentials. Kings and proprietaries, who would establish colonies, were compelled to stipulate for religious toleration, and legislative power in the people. Hence, the first Charles, who abominated a parliament, required the proprietary, Calvert, to obtain all subsidies, by the assent of the people—hence, the second Charles introduced the same principle, in the grant of Pennsylvania—hence, they, and the Carterets, and the Berkeleys, and the minor Proprietaries, were compelled to their liberal charters. All were results of improvement in the moral condition of our species, which individuals might promote, but could scarce retard. We are guilty, therefore, of the worst species of idolatry—of man-worship, when we give to individuals the praise of creating measures, of which they could only be the servants. Our plaudits for their concurrence in the good work, are, however, due; and should be frankly and fully paid, as the just incentive to virtuous actions.

In this spirit, we adopt the expressions of a late writer upon colonial history:—"A North American may feel grateful exultation in avowing himself the native of no ignoble land—but of a land which has yielded as great an increase of glory to God, and happiness to man, as any other portion of the world, since the first syllable of recorded time, has had the honour of producing. A nobler model of human character could hardly be proposed to the inhabitants of the North American States, than that which their own early history supplies. It is, at once, their interest and their honour, to preserve with sacred care, a model so richly fraught, with the instructions of wisdom and the incitements of duty."*

No portion of the history of this great country is more filled with cause for this "grateful exultation," than the State of New Jersey—none can boast greater purity in its origin—none more wisdom, more happiness in its growth. To develope her unpretending, but instructive story, is the object of the following pages; in which, however, we must, necessarily, blend a portion of that of the adjacent states, which for half a century were identified with her.

II. Soon after the discovery of America, by Columbus, the Spaniards and Portuguese explored the northern Atlantic coast, as high as Labrador; to which, the latter gave its present name. As they approached by the West Indies, they may have visited the shores of the Delaware and Hudson rivers; but possessed of the fine climates, and richer countries of the south, they had no inducement to make permanent settlements in regions less attractive. Florida was occupied by the Spaniards, in 1512; and its boundaries, as

* Grahame's History of the American Colonies.

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given by the charter of Philip II. to Menendez, extended from Newfoundland to the 22d degree of northern latitude.

III. To the genius of the Italian navigators, the world is deeply indebted, as well for the early exploration, as for the discovery, of America. John de Verrazano, and the enterprising and skilful Cabots, were the worthy successors of Columbus and Americus Vespucius. Verrazano, whilst in the service of Francis I. of France, visited, it is supposed, the bay of New York.* It is certain, that, in 1523, he coasted the American continent, from the 30th to the 50th degree of north latitude, landing and communicating with the natives in several places; and that by virtue of discoveries made by him, and some French navigators, Henry IV. gave to Des Monts, the lands lying between the 40th and 46th degrees of north latitude.† The loss of Verrazano, with his vessel and crew, on a subsequent voyage, (1524) procrastinated, for ten years, the efforts of the French to establish colonies in America. The voyages and discoveries of Quartier, in 1535, directed their attention, particularly, to the shores of the bay and river of St. Lawrence.

IV. Under the patronage of Henry VII. of England, Sebastian Cabot discovered the islands of Newfoundland and St. Johns, and explored the coast of the continent, from the 38th to the 67th degree of north latitude.‡ But no fruit was, immediately, derived from his labours. During the reigns of the voluptuary, Henry VIII., of his son, Edward VI., and daughter, the bigoted Mary, no effort was made to prosecute these interesting discoveries. It was reserved for the maritime enterprise of Elizabeth's reign, to give to the English nation a fuller knowledge of the new world, and a proper sense of the advantages which might be drawn from it. Encouraged by the Earl of Warwick, Martin Frobisher, in three successive voyages, visited the shores of Labrador and Greenland.§ Sir Humphrey Gilbert, in 1580, made two unsuccessful attempts to establish a colony in North America, in the last of which, he perished.

V. But the fate of Gilbert did not deter his half-brother, Sir Walter Raleigh, alike distinguished for his genius and courage, from pursuing the same object; which, indeed, had taken strong hold of the affections of the principal men of the kingdom. He formed a company, under a charter, obtained from the queen,‖ granting them all the lands they should discover between the 33d and 40th degrees of north latitude. Two vessels despatched by them, under captains Armidas and Barlow,** visited Pamptico Sound, and Roanoke Bay; and on their return, reported so favourably of the beauty and fertility of the country, that the company were excited to new exertions; and Elizabeth gave, to the newly discovered region, the name of Virginia, as a memorial that it was discovered in the reign of a virgin queen. But the subsequent efforts of this company proved abortive. A colony was, indeed, planted at Roanoke, in 1585; but, having been reduced to distress by the delay of supplies, they returned to Europe, in the following year, with Sir Francis Drake; who touched at their island on his way home, from a successful cruise against the Spaniards. Undiscouraged by this ill success, Raleigh despatched another colony to the same place, under the direction of captain John White,†† which perished by famine, or the sword of the natives; having been deprived, by the preparations of the Spaniards, for invading England, of the succour which White had returned to seek.

* Dr. Miller's Discourse, 1 vol.—N. Y. Historical Collection.

† 2 Hackluyt's, 1. N. Y. Historical Collection. Williamson's History of North Carolina, vol. i. 15. Moulton's History of New York, vol. i. 134.

‡ 1498. A Mr. Hare is said to have followed Cabot, and to have brought to Henry VIII, some Indians from North America.

§ In 1576, 1577, 1578. ‖ 26th March, 1584. ** Sailed, 27th April, returned, 15th September, 1584. †† March, 1590.

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VI. Between the years 1590 and 1603, the English do not appear to have made any voyage for the purpose of settlement. In the latter year, Bartholomew Gosnold, abandoning the circuitous route hitherto pursued by all navigators, discovered, by steering due west, a more direct course to the northern continent. He visited, and gave names to Cape Cod, and the islands of Elizabeth, and Martha's Vineyard; and taught his countrymen, that there were many attractions, far north of the lands they had attempted to colonize. His favourable reports, at first disbelieved, were confirmed by persons who sailed, thither, in the service of some merchants of Bristol, the Earl of Southampton, and Lord Arundel, of Wardour. By the zeal of Richard Hackluyt, prebendary of Westminster, to whom England was more indebted than to any man of his age, for her American possessions, an association, embracing men of rank and men of business, was formed, with a view to colonization.*

To this company, James I., on the 10th of April, 1606, granted letters patent, dividing that portion of the continent which stretches from the 34th to the 46th degrees of north latitude, into two, nearly equal, districts. The one, called the first, or south colony of Virginia, was allotted to Sir Thomas Gates, Richard Hackluyt, and their associates, mostly residents of London; the other, to sundry knights, gentlemen and merchants, of Bristol, Plymouth, and other parts of the west of England. Each company was empowered to appropriate to itself, fifty miles each way, along the coast, from the point of its settlement, and one hundred miles of interior extent. From the places at which the colonial councils were respectively established, were derived the titles of the London and Plymouth Colonies.†

Under this and another charter, to the Plymouth company, given in 1620, whose provisions were not the most friendly to political freedom, nor the best adapted to promote the objects for which they were designed, the permanent settlement of Virginia and New England was commenced and prosecuted. It forms, however, no part of our present plan, to trace the various fortune which attended their growth, from weak and sickly plants, to deep-rooted and [redacted]geous trees.

VII. The [redacted] discovering a north-west passage from Europe to Asia, which no disappoint[redacted] seems to have power to extinguish, was the motive of several voyages made by Henry Hudson, a distinguished English mariner. In his third voyage, failing to open a northern route, he explored the eastern coast of America, with the view of determining, whether a passage, to the Pacific Ocean, might not be found through the continent.‡ He ran down the coast, from Newfoundland, to 35° 41′, northern latitude; and returning by the same course, entered the Delaware bay, on the 28th of August, 1609,—but finding the water shoal, and the channel impeded by bars of sand, he did not venture to explore it. Following the eastern shore of New Jersey, he anchored his ship, the Half-Moon, on the 3d of September, within Sandy Hook. He spent a week in examining the neighbouring shores, and in communication with the natives; during which, one of his seamen, named John Coleman, was killed. The boat in which he and several others had passed the Kills, between Bergen Neck and Staten Island, being attacked by two canoes, carrying twenty-six Indians, the unfortunate sailor was shot, by an arrow, through the throat. Thus it would seem, that in the intercourse

* 2 Purchas, 5. Belknap's American Biography.—N. A. R., (new series) vol. vi. p. 36.

† Modern Universal History, vol. xxx. Hazard's State Papers, 1. Stith, Beverly, Robertson.

‡ Voyages undertaken by the Dutch East India Company. Hudson's Journal. Purchas, I.—N. Y. Hist. Col. 81, 162.

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between the European and Indian, in this part of America, the Indian committed the first homicide. The shores of the Delaware and Raritan bays were, probably, the first lands of the middle States trodden by European feet.

On the 12th of September, Hudson entered New York Bay, through the Narrows. He spent the time between that day and the 19th of the same month, in exploring the North river.* He ascended, with his ship, as high as the spot where the city of Albany now stands; and his boat proceeded to the sites of Waterford and Lansingburg. The decreasing volume of the stream, and the shoals which obstructed his further way, depriving him of all hope of reaching the Pacific Ocean by this route, he prepared to retrace his steps. Commencing his return on the 22d of September, he slowly descended the river, and on the 4th day of October, put to sea. He reached England on the 7th of November, 1609. His vessel, and part of the crew, returned to Holland; but the jealousy of the king, James the First, forbade him, and his English sailors, to revisit that country.†

In the following year, Hudson re-entered the service of the London company, in which he had made his two first northern voyages; designing to seek again, a north-west passage, through Davis' Straits; but his crew mutinied, and abandoned him, his only son, and some half-dozen of his men, who continued faithful, to perish amid the fields of ice, in the vicinity of the bay which bears his name.‡

Whilst in the North river, Hudson had much intercourse with the natives. Near the coast, they were fierce and inimical—at a distance from the sea, mild and hospitable. But the superior power of the Europeans was exercised upon friend and foe without mercy. Of the former, one was shot to death, for a petty theft—and of the latter, nine were more deservedly slain, in an attack which they made upon the vessel. The first visit of the white man, therefore, to the shores of the Hudson, was signalized by the violent death of ten of the aboriginal inhabitants.

VIII. The Dutch East India Company, although disappointed in the main design of Hudson's voyage, found in the fur trade h[illegible] opened, sufficient inducement to cherish commercial interco[illegible] Americans. A second voyage, under their authority, in 161[illegible]ing successful, was repeated; but the competition of private adventurers reducing their profits, they endeavoured to monopolize the trade, by a decree of the States-General, granting to all persons who had discovered, or might discover, any bays, rivers, harbours, or countries before unknown, the right, beside other advantages, to the exclusive trade therein, for four successive voyages.§ Under this edict the Amsterdam Licensed Trading West India Company was formed; proposing to maintain the acquisitions on the Hudson and to explore the circumjacent country.

In the service of this company, Adrian Blok and Hendrick Christianse sailed in the year 1614. Blok arrived first at Mannahattan, where, his ship having been accidentally burned, he built a small vessel, with which he passed into Long Island Sound. He fell in with Christianse near Cape Cod. Together, they discovered Rhode Island and Connecticut river; and proceeding to Mannahattan Bay, they erected a fort on Castle Island, and four dwellings on the Greater Island. In the preceding year, a small trading house was built upon an island below Albany; and in the following, a redoubt was thrown up on the right bank of the river, probably, at the present Jersey City

* Hudson's Journal. See Note (A.)—Appendix.
† Lambrechsten, Moulton, Ebeling. ‡ June 21, 1611.
§ De Laet, March 27, 1614; or as it is said 1611, 1612. Moulton, 340.

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Point.* The most important event of this period, however, was the alliance by formal treaty, between the Dutch and the Five Nation confederacy of Indians; at the execution of which, it is supposed, the Lenape tribes were also present, and by the united instances of the Dutch and Iroquois, consented to the fatal assumption of the character of the *woman*, in the manner we shall narrate hereafter.†

The Hollanders, directing their efforts at colonization, to their Asiatic, African and South American possessions, and restrained, perhaps, by the claim of the English, to the greater part of North America, had hitherto made little effort to people the shores of the Hudson. It has been asserted, however, that between the years 1617 and 1620, settlements were made at Bergen, in New Jersey, in the vicinage of the Esopus Indians, and at Schenectady; and it would seem, that Sir Thomas Dale and Sir Samuel Argal, in the year 1614, returning from an expedition against the French at Acadie, visited Mannahattan, and compelled the Dutch to acknowledge the English title, and to contribute to the payment of the expenses of their voyage. It would further seem, from the authorities cited in the margin, but which should be received with some allowance, that in 1620, the Dutch West Indian Company, upon application to James the First, of England, obtained leave to build some cottages upon the Hudson river, for the convenience of the ships, touching there for fresh water and provisions, in their voyage to Brazil; under colour of which license, the company established a colony; and that, upon complaint to Charles I. of these proceedings, he remonstrated with the States-General, who disowned the acts of the company.‡

IX. But, although the Dutch did not immediately, themselves, colonize the New Netherlands, (the name given to the country from the Delaware Bay to Cape Cod,) they were well disposed to aid others in such design; encouraging the Puritans, who, under the care of the Rev. John Robinson, had fled to the low countries from England, to seek a safe and more commodious asylum in the New World; notwithstanding these sectarians avowed an intention to preserve their national character, and to hold the title for the lands they should inhabit, in dependence on the English government. This germ of the Plymouth colony, planted in 1620, was designed for the country between New York Bay and the western line of Connecticut. But the season at which the adventurers arrived on the coast, adverse winds and currents, with the discovery of a portion of the country, whence the aborigines had been lately swept, providentially, as the pilgrims supposed, by pestilence, induced them to land at a place, they termed Plymouth.§ The allegation, therefore, that Capt. Jones, with whom they sailed, had faithlessly, in consequence of a bribe from the Dutch, landed them at a distance from the Hudson, is not entitled to credence.

X. In 1621 the great West India Company was formed in Holland, and endowed with the wealth and power of the States-General. The Licensed Trading Company which had hitherto conducted commercial operations in the Hudson, confining themselves to one river and a small portion of the coast, was merged in the new company, to whom we may properly ascribe the first efforts of the Dutch to plant colonies in North America.‖

They immediately despatched a number of settlers duly provided with the means of subsistence, trade, and defence, under the command of Cornelius

* De Laet, Moulton. † Heckewelder.

‡ Beauchamp Plantagenet's description of New Albion—Moulton—British Empire in America—Ogilby's America—Elizabethtown Bill in Chancery.

§ Robertson. Dudley's letter. Moulton.

‖ See charter of this company in Hazard's Col.

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Jacobse Mey; who, with more enterprise and industry than his predecessors, visited the coast from Cape Cod to the Delaware river, where he proposed to establish his own residence. He called the bay of New York, Port May; that of the Delaware, New Port May; its northern cape, Cape May; and its southern, Cape Cornelius. He built Fort Nassau at *Techaacho*, upon *Sassackon*, now Timber Creek, which empties into the Delaware, a few miles below the city of Camden. During the same year the forts *New Amsterdam* and *Orange*, were also erected upon the sites, of the now great cities, of New York and Albany.

The administration of the affairs of New Netherlands, was committed to Peter Minuit; with whom came a colony of Walloons, who settled, 1624-5, at the Walbocht, a bend of the Long Island shore, opposite to New Amsterdam. In 1626, Minuit opened a friendly and commercial intercourse with the Plymouth pilgrims; and prosecuted the fur trade with great advantage to the company.

XII. In 1629 the West India Company endeavoured to excite individual enterprise, to colonize the country; granting by charter to the *patroon* or founder of a settlement, exclusive property, in large tracts of land, with extensive manorial and seignorial rights.* Thus encouraged, several of the directors, for whose use, probably, the charter was designed, among whom Goodyn, Bloemart, Pauuw and Van Renselaer were most distinguished, resolved to make large territorial acquisitions; and they sent out Wooter Van Twiller, of Niewer Kerck, a clerk of the Amsterdam department, of the company, to assume the management of its public affairs, and to select lands for the individual directors.

One of the three ships which came over in 1629, visited an Indian village on the south-west corner of Delaware Bay; and the agents on board, purchased from the three chiefs of the resident tribe, in behalf of the Herr Goodyn, a tract of land, extending from *Cape Henloop*, in length thirty-two, and breadth two, English miles. In the sueceeding year, several other extensive tracts were purchased; for Goodyn and Bloemart, of nine Indian chiefs, sixteen miles square, on the peninsula of Cape May; for the director Pauuw, Staten Island, and a large plat on the western side of the Hudson, in the neighbourhood of Hoboken; and for Van Renselaer, a considerable territory, along the Hudson, in the vicinity of Fort Orange.† The impolicy of these great and exclusive appropriations was, subsequently, discovered and condemned; and their ratification seems to have been obtained, only, by admitting other directors to participate in them.

XIII. In prosecution of their plans, these directors formed an association, to which they admitted, on equal terms, David Pieterson de Vries, an experienced and enterprising navigator. Their immediate object was to colonize the Delaware river, to plant tobacco and grain, and to establish a whale and seal fishery. The command of the vessel appointed to carry out the colonists was given to De Vries; who left the Texel on the 12th Dec. 1630, and arrived in the Delaware bay in the course of the winter. The country was deserted by the Europeans, who had preceded him. Fort Nassau was in possession of the Indians; Captain Mey having left it, bearing with him the affectionate regrets of the natives, who long cherished his memory. De Vries selected a spot for his settlement, on Lewis Creek, called by the Dutch, on account of the prostitution of the Indian women here, Hoornekill; where, unimpeded by the season, which was uncommonly mild, he erected a trading

* See the charter in Moulton's History of New York.

† See Moulton's History of New York. The territory of Goodyn was denominated Swanwendael; that of Pauuw, Pavonia; and that of Van Renselaer, Renselaerwick.

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house and fort, giving it the name of Oplandt. The whole plantation, within Goodyn's purchase, extended to the Little Tree Corner or Boompjes' Hoek.*

Returning to Holland, he committed his infant colony to the care of one Giles Osset; who, in evidence of the claim and possession of the Dutch, set up the arms of the States-General, painted on tin, upon a column, in some conspicuous station. An Indian, ignorant of the object of this exhibition, appropriated the honoured symbol to his own use. The folly of the commandant construed the trespass into a grievous national insult, and he became so importunate for redress, that the harassed and perplexed tribe brought him the head of the offender. This was a result which Osset had neither wished nor foreseen, and he should justly have dreaded its consequences. In vain he reprehended the severity of the Indians, and assured them that had they brought the delinquent to him, he would have suffered a reprimand only. Though the death of the culprit had been doomed and executed by his own tribe, they beheld its cause in the exaction of the strangers, and with the vindictiveness of their character, sought a dire retribution. At a season when the greater part of the garrison was engaged in field labour, distant from the fort, the Indians entered it, under the pretence of trade, and murdered the unsuspicious Osset with the single sentinel who attended him. Thence, proceeding to the fields, they massacred every other colonist, whilst tendering to them the usual friendly salutations. This conduct, with its extenuating circumstances, as related by the aborigines themselves to De Vries, is sufficiently atrocious; but it is highly probable, that the desire of the white man's wealth was as powerful a stimulant to violence as the thirst for vengeance.

In December, 1632, De Vries returned from Holland, to mourn over the unburied bodies of his friends, and the ashes of their dwelling. Attracted by the firing of cannon, the savages approached his vessel with guilty hesitation; but at length, summoned courage to venture on board, and to detail the circumstances we have narrated. The object which De Vries had in view, led him to seek reconciliation; and he was compelled to pardon, where he could not safely punish. He formed a new treaty with the Indians; and in order to obtain provisions, ascended the river above Fort Nassau, where he narrowly escaped from the perfidy of the natives. Pretending to comply with his request, they directed him to enter Timmerkill or Cooper's Creek, which furnished a convenient place for attack; but, the interposition of an Indian woman, so often recorded in favour of the whites, saved him from destruction. She warned him of the design of her countrymen, and that a crew of a vessel (supposed from Virginia) had been there murdered. In the mean time, Fort Nassau was filled with savages, and on the return of De Vries, forty boarded his vessel, whom he compelled to retreat; declaring that the Manitou or Great Spirit, had revealed their wickedness. But, subsequently, with the humane and pacific policy which distinguished him, he consented to their wishes of forming a treaty of amity; which they confirmed with customary presents, declining his gifts, however, saying, that they did not now give with the view of a return.† Disappointed in obtaining provisions, De Vries, leaving part of his crew in the bay, proceeded to Virginia; where, as the first visiter from New Netherlands, he was kindly received and his wants supplied. Upon his return to the Delaware, finding the whale fishery unsuccessful, he hastened his departure, and with the other colonists proceeded to Holland, by the way of Fort Amsterdam. Thus, at the expiration of

* Corrupted into Bombay Hook. De Vries, Moulton.
† De Vries' Journal. Moulton.

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twenty-five years from the discovery of the Delaware Bay, by Hudson, not a single European remained upon its shores.

XIV. It is possible, however, that the Minisink settlements on the river, above the Blue Mountain, were made at or near this period. They extend forty miles on both sides of the river, and the tradition, as rendered by Nicholas Depuis, a descendant of an original settler is; "That, in some former age, there came a company of miners from Holland, supposed to have "been rich and great people, from the labour they bestowed in opening two "mines—one on the Delaware, where the mountain nearly approaches the "lower point of Pahaquarry Flat, the other, at the north foot of some mountain, half-way between Delaware and Esopus; and in making the mine "road from Delaware to Esopus, a distance of one hundred miles: That "large quantities of ore had been drawn upon this road, but of what metal, "was unknown to the present inhabitants: That, subsequently, settlers "came to the Minisinks from Holland, to seek an asylum from religious persecution, being Arminians: That they followed the mine road to the large "flats, on the Delaware, where the smooth cleared land, and *abundance of "large apple trees*, suited their views, and they purchased the improvements "of the Indians, most of whom, then, removed to the Susquehanna: And that "the new settlers maintained peace and friendship with such as remained, "until the year 1755."* These settlements at the Minisinks were unknown to the government of Pennsylvania until 1729.

XV. It has been affirmed that the Swedes established a colony on the Delaware, in the year 1627, or 1631. This is an error, arising from the historian having mistaken the will for the deed; inferring that a colony had been established, immediately after the proposition for forming it, had been published in Sweden. The design had, indeed, been fondly encouraged by Gustavus Adolphus, but was not effected during his life. This prince fell at Lutzen, in 1632; and several years elapsed, before the ministers of his daughter, Christina, gave encouragement to the enterprise. The success of the Dutch West India Company had excited the Swedes to form a similar association, whose operations should extend to Asia, Africa, and America;—and William Usselinx, or Usseling, a Hollander, who had been connected with the Dutch company, obtained the consent of Gustavus, to this measure.† Designing to plant a colony on the Delaware, he prepared and published articles of Association for that purpose, accompanied with a description of the fertility of the soil, and the commercial advantages of the country. The king, by proclamation, exhorted his subjects to unite with the company,‡ and recommended its plan to a diet of the States, by whom it was confirmed.§ Persons of every rank, from the king to the hind, engaged in the scheme. An admiral, vice admiral, merchants, assistants, commissaries, and a military force, were appointed, and the association received the name of the South Company;—but the intervention of a German war, suspended its operations.‖

From 1633 to 1637, no effort was made by any European power, to people the banks of the Delaware, unless during this period, Sir Edward Ploeyden, commenced his ephemeral palatinate of New Albion. It is probable, however, that the Dutch visited the river, with a view to trade, and, occasionally, spent some time at Fort Nassau. That, they vigilantly observed the approach of other nations to these shores, is obvious, from the prompti-

* Letters of Samuel Preston, of Stockport, June 6th, and 14th, 1828, published in the Register of Pennsylvania, Vol. i. No. 28.—July 12, 1828.
† 21st December, 1624. ‡ July, 1626. § 1627. ‖ Campanius, Aurelius, Molton.

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tude of their remonstrances against the subsequent attempts of the English and Swedes.

The Swedish project, so far as it relates to colonization on the Delaware, was, at length, revived by the Dutch ex-governor, Minuit, (who had been superseded by Vouter van Twiller,) under the immediate authority of the Swedish government. In 1637 or 1638, an expedition, consisting of the Key of Calman, a ship of war, and a transport named the Bird Grip, (Gryphen) carrying a clergyman, an engineer, and many settlers, with necessary provisions, and merchandise for trade with the Indians, sailed under Minuit's command.* The emigrants landed at Inlopen, the inner cape on the western shore of the Delaware bay, to which they gave the name of Paradise Point—more, we must conjecture, from the pleasant emotions caused by the sight of any land, after a long sea-voyage, than from the beauty or fertility of the spot. They opened communications with the natives, on the bay and river, and purchased the soil, on the western shore, from the capes, to the falls at *Sanhikans*, below the present city of Trenton.

Soon after, in 1638, they laid the foundation of the town and fort of Christina, on a site called by the natives *Hopohaecan*, north of the *Minquas*, or *Suspesough* creek, and a short distance above its mouth.† Not a vestige of this fort or town remains; but a plan of both, drawn by the engineer, Lindstrom, has been preserved by Campanius. In 1747, during the war of England against France and Spain, a redoubt was thrown up at this spot; and at the distance of three feet below the surface, a Swedish coin of Christina was found, among axes, shovels, and other implements.‡

The author of *Beschryvinge van Netherlands*, asserts, that Minuit entered the Delaware, under pretence of procuring refreshment, on his way to the West Indies, but betrayed the deception, by erecting this fort. The Dutch soon discovered the intrusion; and Kieft, who, about this time had succeeded Van Twiller, as governor of New York, remonstrated with Minuit, by letter, dated, May 6th, 1638; asserting, that the whole South river of New Netherlands, had been in possession of the Dutch, for many years, above and below Christina—had been studded by forts, and sealed with their blood. This remonstrance was unreasonable and unwarrantable, if, as Campanius asserts, the Swedes had, in 1631, purchased the right of the Dutch. The allegation of purchase, may have induced forbearance on the part of the Dutch authorities, but did not deter them from erecting a fort soon after, at the Hoarkills.

During the year 1640, several companies of emigrants departed from Sweden, for the new world. Among the documents obtained from the Swedish records, by Mr. Russel, minister from the United States, at Stockholm, we find, dated, January 24th, 1640, a passport to captain Jacob Powelson, for a vessel under his command, named Fredenburg, laden with men, cattle, and other things, necessary for the cultivation of the country, departing from Holland to America, or the West Indies, and there establishing himself in the country called New Sweden. Two others were issued in blank, for other captains and their vessels. We learn, also, from a letter of the same date, addressed by the Swedish ministers to the commandant, or commissary, and other inhabitants of Fort Christina, in New Sweden, that permission had been granted to Gothbert de Rehden, William de Horst, and Fenland, and those interested with them, to send out and establish a

* Beschryvinge van Virginie, De Laet, Aorelius.
† Swedish MSS. Records, communicated by the Rev. Nicholas Collin.
‡ Kalm's Travels.

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colony on the north side of the South river. In a charter, or grant and privilege, as it is termed, of the same date, to this company, the name of Henry Hochhanmer, is substituted for that of Lieutenant Horst. From this instrument we derive the Swedish principles of colonization. An indefinite quantity of land is given to the company—at least four German miles, (about 15 English) from Fort Christina, in allodial and hereditary property; they paying to the crown of Sweden, three florins of the empire, for each family established upon their territory. The company is empowered to exercise, within their district, high and low justice; to found cities and villages, and communities, with a certain police, statutes and ordinances—to appoint magistrates and officers, and to take the title and arms of a province or colony; conforming themselves, in the use of these rights, to the principles directing the ordinary justice of fiefs. Reservation is made of full sovereignty to the crown; and, especially, of appeals to it, and the governors established by it, whose approbation was necessary to all statutes and ordinances. Besides the Augsburg confession of faith, the exercise of the "*pretended reformed*" religion was permitted, in such manner, however, that those who professed either, should live in peace, abstaining from every useless dispute, from all scandal, and from all abuse. But the patrons of the colony were obliged, at all times, to maintain as many *ministers and schoolmasters* as the number of inhabitants should require; and to choose for this purpose, persons who had at heart, the conversion of the pagan inhabitants, to Christianity.

Permission was given to the colonists to engage in every species of manufacture and commerce, in and out of the country; in vessels, however, which should be built in New Sweden. Gottenburg was made the depot for all merchandise transported to Europe; but merchants were not required to pass the Sound, when destined to some other part of Sweden. Entrance to foreign ports, however, was prohibited, unless in case of necessity; and even in such case, merchants were required to repair to Gottenburg, to account for such entry, and to pay duty on merchandise, they might have sold elsewhere; and to equip their vessels anew. The colonists were exempted, for ten successive years, from every species of impost; but, after that period, were required to pay, in New Sweden, a duty of five per cent. on all imports, and exports, and such further charges as the expenses of government, there, might require. The discoverer of minerals, precious stones, coral, crystal, marble, a pearl fishery, means for making salt, or other like things, was permitted the unrestricted use thereof, for ten years, and to enjoy, subsequently, a preferable right to possession, under an annual rent. Protection was promised to the colonies, in consideration whereof, fealty and allegiance were exacted. But the government expressed the desire, that the colonists and their posterity might be always exempt from enrolments and compulsory military service. Confiscation of property was prohibited: and fines, whatever might be the offence, were limited to forty rix-dollars; every other species of punishment, according to the quality of the offence, was reserved to the crown. And as the patrons of the colony designed, in a few years, to transport other and more considerable colonies, liberty was given to ship, directly from Holland, whatever they might require.

Whilst the arrangements for this colony were in progress, due care was had, by the ministry of Sweden, for the scion they had already planted. One Jost de Bogardt was nominated, rather as an agent and superintendent of the colony of Christina, than as governor. He engaged, by an obligation, called the counterpart of his commission, to be faithful and subject to her majesty; "and not only to aid, by his counsel and actions, the persons who are at Fort Christina, and those who may be afterwards sent there from

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Sweden, but to employ his exertions to procure, as occasion may present, whatever will be most advantageous to her Majesty and the crown of Sweden; and, moreover, not to suffer an opportunity to pass of sending information to Sweden, which may be useful to her Majesty and the crown." The reward of these services was stipulated to be two hundred rix-dollars per annum.

XVI. The country, which had been settled, appears to have been purchased, chiefly, by an association called the Navigation Company, who, enjoying the soil, submitted to the political direction of the crown. John Printz, a colonel of cavalry in the Swedish service, was appointed governor. His commission bears date August 16, 1646. His instructions charge him to preserve amity, good neighbourhood, and correspondence with foreigners, with those who depend on his government, and with the natives of the country; to render justice without distinction, so that there shall be injury to no one; and if any person behave himself grossly, to punish him in a convenient manner; and as regards the cultivation of the country, in a liberal manner to regulate and continue it, so that the inhabitants may derive from it, their honest support, and even, that, commerce may receive from it a sensible increase. As to himself, he was required so to conduct in his government, as to be willing and able, faithfully, to answer for it before God, before the Queen and every brave Swede, regulating himself by the instructions given to him. These instructions, remarkable for their simplicity, remind us of the patriarchal era, to which the state of New Sweden, had some resemblance. The salary assured to the governor, was 1200 rix-dollars per annum; a portion of which, at least, was imposed on the colony in a tariff of compensations, which gave to the governor 800 rix-dollars; (half from excise and half in silver;) to a lieutenant governor, sixteen dollars per month; a sergeant major ten, a corporal six, a gunner eight, trumpeter six, drummer five; to 24 soldiers, four, each; to a paymaster ten, a secretary eight, a barber ten, and a provost six. We must not infer from comparison of the wages of the secretary and barber, that the latter was the most valued though the most appreciated. The first had, doubtless, the most honour, though the second had a greater compensation in base lucre.

On the 16th February, 1642-3, Printz, accompanied by John Campanius, a clergyman and subsequent historian of New Sweden, with many emigrants, on board the ship Fame and Transport Swan, arrived in the Delaware. The governor established himself on the island of *Tennekong*, corrupted into, *Tinicum;* which, in Nov. 1643, was granted him by the Queen Christina, in fee; where he built a fort called New Gottenburg, a convenient dwelling for himself, denominated Printz Hoff or Printz Hall, and a church, which was consecrated in 1646. Around this nucleus, the principal settlers reared their habitations. Pursuant to his instructions, he recognised the right of the aborigines to the soil, confirmed the contract made with them by Minuit, for land fronting the river, from the Cape to the Falls, and extending inland, so far, as the necessities of the settlers should require. He refrained from every species of injury to the natives, cultivated their favour by a just and reciprocal commerce, supplying them with articles suitable to their wants, and employed all friendly means to win them to the Christian faith.

The result of these measures was such as they should have produced. The savage was disarmed by respect and gratitude; for, when the presents from the Swedes were discontinued, and councils were holden by the discontented, to weigh the fate of the strangers, the old and wise expatiated on their benevolence and justice, and assured the young and violent, that no easy conquest, would be made, of men, who, whilst cherishing the arts of peace, were armed with swords and muskets, and guarded by vigilance and courage.

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The ire of the Indians on one occasion, it seems, was particularly directed against the pastor, who speaking alone, during divine service, was supposed to exhort his audience to hostility against them.*

XVII. Before Printz left Sweden, it was known that an English colony had alighted on the eastern shore of the Delaware; sixty persons having settled near *Oijtsessing*, *Assamohocking*, Hog or Salem Creek, at the close of the year 1640, or commencement of 1741, who were, probably, pioneers of Sir Edmund Ploeyden, or squatters from the colony of New Haven. The Swedes purchased all the lands from Cape May to *Narriticon* or Raccoon Creek, for the purpose of bringing the English under their dominion; and Printz was instructed, either to attach them to the Swedish interests, or to procure their removal without violence.† He disregarded his instructions on this occasion, since, we are told, that the Dutch and Swedes united to expel the English; and that the latter, assuming the task of keeping out the intruders, seized their possessions, and erected a fort; which they called Elfts-burg or Elsinborg.‡ But, Acrelius assures us, that this fort was reared in 1651, as a counterpoise to the Dutch power, acquired by the erection of Fort Casimer; and that, the guns of Elsinborg, compelling the Hollanders to strike the flag from their vessels' mast, gave mortal offence, and was the cause of their subsequent wrath, so fatal to the dominion of the Swedes. Be this as it may, all authors agree, that the Swedes were driven out by an invincible, and sometimes invisible, foe,—that the moschettoes, in countless hosts, alike incomparable for activity and perseverance, obtained exclusive possession of the fort, and that the discomfited Swedes, bathed even in the ill-gotten blood of their enemies, were compelled to abandon the post, which, in honour of the victors, received the name of *Moschettoesburg*.

The Salem settlers were not the only Englishmen who endeavoured, at this time, to establish themselves in the vicinity of the Delaware. A colony seated under the patent of Lord Baltimore, was discovered on the Schuylkill, whence they were driven by the watchful Kieft, governor of New Netherlands, without difficulty. His instructions, dated 22d May, 1642, to Jan Jansen Alpendam, commandant of the expedition, strongly assert the right of the Dutch to the soil and trade there.

XVIII. The Swedish government anticipated, that, resistance might be made to their plans of colonization, by the Dutch West India Company, of whose pretensions to the shores of the Delaware, they were well instructed. Yet, Printz was authorized to protest against their claims, supported as they were, by the actual possession of Fort Nassau, now garrisoned by twenty men; and in case of hostile efforts on their part, to contend to the uttermost.

Printz conducted the affairs of New Sweden with due discretion, receiving the thanks and commendations of his sovereign, whose permission he solicited, in 1647, to return to Europe. He remained in America, however, until 1654, when he was succeeded in the government by John Papegoya, his son-in-law. Papegoya had come to the Delaware with the earliest Swedish settlers, probably in 1638; but had returned to Sweden about the time of Printz's departure. In 1643 he revisited New Sweden, bearing letters recommendatory, from the Queen, to the governor, whose daughter he subsequently married. He remained in the government two years; when embarking for Europe, he devolved the administration on John Risingh, who came out, a short time before this period, clothed with the authority of commissary

* "The Indians sometimes attended the religious assemblies of the Swedes; but with so little edification, that they expressed their amazement that one man should detain his tribe with such lengthened harangues, without offering to entertain them with brandy."—*Grahame's Col. Hist.* 2 vol. 200.

† Acrelius. ‡ Beschryvinge van Virginie. Smith's New Jersey.

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and counsellor, and continued to preside over the Swedes until they were subjected by the Dutch. He renewed the treaties with the Indians; and at a convention held in 1664, both parties engaged to preserve and brighten the friendly chain. The engineer Lindstrom, who accompanied Risingh, minutely explored several portions of the country, constructed plans for some forts, aided in the fortification of others, and framed a map of the bay, river, and adjacent territory, remarkable for its correctnesss, and curious, as giving the Indian names of the streams. A descriptive memoir, highly interesting, accompanied the map.*

The country on the Delaware was, for some years, holden by the Swedes and Dutch, in common. To the forts at Nassau and the Hoarkills, the latter, in 1651, added Fort Casimer, at Sandhocken, the present site of Newcastle.† This near approach to the primitive seat of their American domain, became intolerable to the Swedes. Printz remonstrated, and Risingh formally demanded, that Fort Casimer should be surrendered to him. This having been refused, he manfully resolved to seize it by force or fraud. He approached it in seeming amity, and after firing two complimentary salutes, landed thirty men, whom the garrison, unsuspectingly, admitted within their gates. The Swedes suddenly mastered the place, seized the effects of the West India Company, and even compelled some of the conquered soldiers to swear allegiance to Queen Christina. Not even Dutch phlegm would lie quiet under this grievous insult. The redoubted Stuyvesant, then governor of New York, though busily engaged in restraining the encroachments of his restless mercurial neighbours of Connecticut, resolved on instant and direful vengeance.

XIX. On the 9th September, 1654, he appeared in the Delaware, with seven vessels, carrying between six and seven hundred men. He descended first upon Elsinborg, where the patriotism of the Swedes had again led them, in despite of the moschettoes, and where it was their fate to become prisoners to the invaders. Next, he asailed the fort of the Holy Trinity, and having landed and intrenched his force, demanded its surrender, threatening, in case of refusal, the utmost extreme of military severity. Whether the fort were taken by storm, or surrendered upon capitulation, history has, with reprehensive carelessness, omitted to state: but certain it is, that the Dutch, also, became masters of the Holy Trinity, and striking the Swedish colours, gave from the towering flag-staff, those of the States-General, to the breeze. On the 16th, the fleet anchored in front of Fort Casimer, then commanded by Sven Scutz, or Schute, who, in reply to the summons, asked leave to consult his superior, Risingh; which being denied him, he yielded, upon most honourable terms; marching forth in military pomp, and retaining, not only the arms of his troops, but the battery of the fort. The stronger fortress of Christina was held by Risingh, in person; but even he, unable to resist the invincible Stuyvesant, submitted on the 25th of September; and the fall of New Gottenburg, with its fort, *Printzhoff*, and church, soon followed. Thus perished, never to be revived, the provincial power of New Sweden.‡

Stuyvesant issued a proclamation favourable to such of the Swedes as chose to remain under his government. About twenty swore fealty to the "States-General, the Lords, Directors of the West India Company, their subalterns of the province of New Netherlands, and the Director-General, then, and thereafter to be, established." Risingh and one Elfyth, a noted trader, were ordered to Gottenburg.§ Among those who remained, was the wife of Papegoya, to whom *Tennekong* had descended; and who, subse-

* MSS. Lib. of Am. Phil. Soc. † Campanius, Acrelius.
‡ Acrelius; Smith's N. Y.; Smith's N. J.; Dutch Records. § Smith's N. Y.

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quently, sold it to Captain Carr, the English governor, from whom the purchase money, 300 guilders was recovered, by execution from the council at New York.* In March, 1656, the Swedish resident at the Hague, remonstrated against the conduct of the West India Company; but the United Provinces never gave redress. These wars of the Dutch and Swedes have been more minutely and worthily chronicled by the facetious and veracious Knickerbocker. We will add, only, that they appear to have been wholly unstained by blood, and admirably adapted to a country where restraint on population was not needed.

During the government of the Swedes, several vessels, other than we have mentioned, arrived from Sweden with adventurers, who devoted themselves to agriculture. The last ship, thus freighted, through the unskilfulness of her officers, entered the Raritan, instead of the Delaware, river, and was seized by Stuyvesant, then preparing for his campaign against Risingh. Many improvements were made by this industrious and temperate people, from Cape Henlopen to the falls of Alumningh, or Sanhikans. Beside the places we have already named, they founded *Upland* the present Chester, at *Mocoponaca; Korsholm* at *Passaiung;* Fort *Manaiung* at the mouth of the river, called by the Indians *Manaiung*, *Manaijunk*, *Manajaske*, *Nitabacong*, or *Matinacong;* by the Dutch, *Schuylkill*, and by the Swedes, *Skiarkillen* and *Landskillen;* marked the sites of *Nya Wasa* and *Gripsholm*, somewhere near the confluence of the Delaware and Schuylkill rivers, *Strawswijk* and *Nieu Causeland* or *Clauseland;* (the present Newcastle) and established forts, also, at *Kinsessing*, *Wicacoa*, (Southwark) *Finnlant*, *Meulandael*, and *Lapananel.* On the eastern shore of the Delaware, they had settlements at Swedesborough, at the site of the present city of Burlington, and other places. Most of these stations are marked on the maps of Campanius and Lindstrom, and were, probably, little else than dwellings of farmers, with such slight defences, as might protect them from a sudden incursion of the natives. Gold and silver mines are said to have been discovered by the Swedes; and the latter are mentioned by Master Evelyn, in his description of the country, reported by Plantagenet, in his memoir on New Albion. The ores were probably pyrites, which have so often proven deceptive.†

* New York Records.

† We are assured by Lindstrom, that a silver mine existed on the eastern shore of the Delaware, in the vicinity of the falls; and that gold was found in considerable quantities higher up the river, on the Jersey side. "The shore before the mountain is covered with pyrites. When the roundest are broken, kernels are found as large as small peas, containing virgin silver. I have broken more than a hundred. A savage Unapois beholding a gold ring of the wife of governor Printz, demanded, why she carried such a trifle. The governor replied, 'if you will procure me such trifles, I will reward you with other things suitable for you.' 'I know,' said the Indian, a mountain filled with such metal.' 'Behold,' rejoined the governor, 'what I will give you for a specimen;' presenting to him at the same time, a fathom of red and a fathom of blue frize, some white lead, looking-glasses, bodkins, and needles, declaring that he would cause him to be accompanied by two of his soldiers. But the Indian, refusing this escort, said, that he would first go for a specimen, and, if it gave satisfaction, he might be sent back with some of the governor's people. He promised to give a specimen, kept the presents and went away; and, after some days, returned with a lump of ore as large as his doubled fist, of which the governor made proof, found it of good quality, and extracted from it a considerable quantity of gold, which he manufactured into rings and bracelets. He promised the Indian further presents if he would discover the situation of this mountain. The Indian consented, but demanded a delay of a few days, when he could spare more time. Content with this, Printz gave him more presents. The savage, having returned to his nation, boasted of his gifts, and declared the reason of their presentation. But he was assassinated by the sachem and his companions, lest he should betray the situation of this gold mine; they fearing its ruin if it were discovered by us. It is still unknown."—*Extract from Lindstrom's MS. Journal. Am. Phil. Soc.*

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XX. The Dutch governed the newly recovered country on the Delaware, by lieutenants, subject to the Director-General at New Amsterdam. Johannes Paul Jaquet was the first Vice-Director. His successors were Peter Alricks, Hinojossa, and William Beekman. These officers were empowered to grant lands; and their patents make part of the titles of the present possessors. Alrick's commission, of 12th of April, 1657, indicates the extent of the Dutch claim, on the west of the Delaware. It constitutes him "Director-General, of the Colony of South river, of New Netherlands, and the fortress of Casimer, now called Niewer Amstel, with all the lands dependent thereon, according to the first purchase, and deed of release, from the natives, dated, July the 19th, 1651; beginning at the west side of the Minquas, or Christina Kill, in the Indian language named, *Suspecough*, to the mouth of the bay or river called Boompt Hook, in the Indian language, *Cannaress*, and so far inland, as the bounds and limits of the Minquas land, with all the streams, appurtenances and dependencies." Of the country north of the Kill, or south of Boompt Hook, no notice is taken. In 1658, Beekman was directed to purchase Cape Henlopen, which, for want of goods, was not done, until the succeeding year.* From the order and purchase of 1658, it would seem, that no regard was had, either by the Indians or Dutch, to the contracts made for Goodyn, in 1629, or by the Swedish governors.

Upon the eastern side of the present State of New Jersey, the Dutch had, at this period, acquired several tracts of country. Beside the purchase of Staten Island, for the Heer Pauw,† Augustine Herman purchased an extensive plot, stretching from Newark Bay, west of the present site of Elizabethtown;‡ and the Lord Director-General and Council, a large tract, called Bergen.§ And we may, justly, suppose, that, the road between the colonies, on the Hudson and Delaware, was not wholly uninhabited.

XXI. Although, for fifty years, these extensive possessions of the Dutch, were not disputed by the English government, still the claim of the English nation, founded on the discoveries by Cabot, Hudson, and other navigators, was neither abandoned nor unimproved. The Puritans were making continued pretensions and encroachments upon the east, and emigrants from New Haven settled on the left shores of the Delaware, so early as 1640—some of whose descendants may, probably, yet be found, in Salem, Cumberland, and Cape May, counties. The adventurers of Maryland had penetrated to the Schuylkill, and the agents or grantees of Sir Edward Ploeyden, had attempted to people his palatinate. Of these efforts it is proper that we should speak more particularly.

In 1642, as we have seen, the Dutch expelled the English, from the Schuylkill, as intruders, on rights too notorious to be disputed. But in 1654, Colonel Nathaniel Utie, commissioner of Fendal, governor of Maryland, demanded possession of the shores of the Delaware, by virtue of the patent from the English crown, to Lord Baltimore; visited New Castle to protest against the occupation of the Dutch, to threaten the assertion of Baltimore's right by force, and to offer his protection to the inhabitants, upon terms similar to those given to other emigrants. Beekman proposed to refer the controversy to the republics of England and Holland; and Stuyvesant, by commissioners, at Annapolis, repeated the proposition; asserting, however, the title of the India Company, by prior occupancy, and assent of the English nation; and protesting against the conduct of Fendal, as in breach of the

* Smith's New York.
† Deed, dated, 10th August, 1630. Elizabethtown Bill in Chancery.
‡ Deed, 6th December, 1651.
§ Deed, 30th January, 1658.

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treaties between the two nations. In the following year, Lord Baltimore applied, through his agent, captain Neale, to the Dutch Company, for orders to the colonists on the Delaware, to submit to his authority. A peremptory refusal was instantly given; and a petty war in the colonies was prevented, by the weakness of Maryland, and the hopes of redress from measures then contemplated by the English government against all the Dutch possessions in America.*

We learn, from a pamphlet, published in 1648, that a grant had been made by James the First, to Sir Edward Ploeyden, of the greater part of the country between Maryland and New England, which was erected into a province and county palatine, with very comprehensive, if not precise boundaries.†

The rights derived from this patent were unexercised during the reigns of James, and the first Charles—but were acted on, during the revolution. Before 1648, a company was formed, under Sir Edward Ploeyden, for planting this province, in aid of which, our author wrote his description of New Albion. This little work compares New Albion with other countries of the new world, giving all preference to the former, and contains a learned exposition and defence of the rights of an earl palatine, who, among other royalties, having power to create barons, baronets, and knights, of his palatinate, had bestowed a baronage upon our author, and others, as well as upon each of his own children. Thus, there were, the son and heir apparent, and Governor, Francis, Lord Ploeyden, Baron of Mount Royal, an extensive manor, on Elk river; and Thomas, Lord Ploeyden, High Admiral, Baron of Roymount, a manor on the Delaware bay, in the vicinity of Lewistown; and the Lady Winifrid, Baroness of Uvedale, in Webb's Neck, deriving its name from its abundance of grapes, producing the Thoulouse, Muscat, and others.

From circumstances, it is probable, that this New Albion Company sent out agents, who visited different parts of the province, some of whom established themselves there; that the Palatine and some friends, of whom was Plantagenet, sought temporary cover from the storms of civil war in England, amid the American wilds;—that a fort named Erewomec was erected at the mouth of Pensaukin Creek, on the Jersey shore; and that, there was a considerable settlement at *Watcessi* or *Oijtsessing*, the present site of Salem, which was probably broken up, or reduced, by the united force of the Dutch and Swedes. No known vestige of these settlements remains; and all our knowledge in relation to their fate is conjectural.‡

XXII. In 1640, as stated by Trumbull, some persons at New Haven, by Captain Nathaniel Turner, their agent, purchased for *thirty pounds sterling*, a large tract of land, for plantations, on both sides of the Delaware river; erected trading houses, and sent out near fifty families to settle them.§ It is probable, that this number is over-rated. But we gather from the complaints of

* New York Records. New York Hist. Col. vol. iii. p. 368. Smith's New York.

† This pamphlet is addressed by Beauchamp Plantagenet, "To the Right Honourable and mighty Lord Edmund, by Divine Providence, Lord Proprietor, Earl Palatine, Governor, and Captain-General of the province of New Albion; and to the Right Honourable, the Lord Viscount Monson, of Castlemain; the Lord Sherard, Baron of Leitrim, and to all other, the Viscounts, Barons, Baronets, Knights, and gentlemen, merchants, adventurers, and planters, of the hopeful company of New Albion, in all forty-four undertakers, and subscribers, bound by indenture, to bring and settle 3000 able, trained men, in our several plantations, to the said province."

‡ New Albion. Smith's N. J. Beschryvinge van Virginie, New Netherlandts. Penn. Register, 1828, vol. iv. See, for a further account of New Albion, Appendix, note B, and Philadelphia Library, No. 1019, Oct.

§ Trumbull's Conn.

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the Connecticut traders, that, they visited the Delaware for the purpose of barter, and were driven thence by the Swedes and Dutch, under Kieft, in 1642; that, their trading house was destroyed, their goods confiscated, and their persons imprisoned. The commissioners of the United Colonies of New England, upon an investigation of the facts, directed governor Winthrop to remonstrate with the Swedish governor, and to claim indemnity for the losses sustained, amounting to one thousand pounds. Winthrop addressed letters to Kieft and Printz, but received no satisfactory answer.

At an extraordinary meeting of the commissioners, in 1649, the court of New Haven, proposed the speedy planting of Delaware Bay. But this, as a general measure, was deemed inexpedient, and the New Haven merchants were left to improve or sell their lands as they should see cause. The treatment of these merchants, by the Dutch, formed part of the grievances submitted to the delegates appointed by Stuyvesant, and the United Colonies, in 1650; when the latter claimed a right to the Delaware under their patents, as well as by purchase from the Indians. These delegates, from want of sufficient light to determine the question, concluded to leave both parties at liberty to improve their interests upon that river.

Encouraged by this declaration, the inhabitants of New Haven and its vicinity, in the following year, fitted out a vessel with fifty adventurers, who proposed to establish themselves on the disputed lands. They put into New York; and the object of their voyage being made known, Stuyvesant, who was wanting, neither in ability, nor resolution, immediately seized the vessel, her papers, and crew, and extorted a promise from the last, to return to their homes; which they more readily gave as the Dutch governor threatened, that he would send to Holland, any of them whom he should find on the Delaware, and would resist their encroachments, in that quarter, even unto blood.

But, the colony of New Haven, with its characteristic pertinacity, was not disposed thus to abandon her pretensions. She brought the subject again before the commissioners of the United Colonies, in 1654, who addressed a missive to Stuyvesant, in which, the rights alleged by the Dutch, are very summarily disposed of, as "their own mistake, or at least, the error of them that informed them;" whilst, the claims of the people of New Haven, appeared "so clear, that they could not but assert their just title to their lands, and desire that they might peaceably enjoy the same." No effect was produced by this letter, and the colony of New Haven would have resorted to hostilities, could she have been assured of the protection of her sisters. But, they were deaf to her appeals, and the Plymouth colony shortly replied, "that they did not think it meet, to answer their desire in that behalf, and that they would have no hand in any such controversy." Thus deprived of all hope of effectual assistance, from their neighbours, the traders of New Haven were compelled to remain at peace. The country was soon after granted to the Duke of York, and their claims were too feebly sustained by justice, to brave the Duke's power.

But this, with other causes of dispute, had implanted in the colonists of New England, such animosity against their Dutch neighbours, that, in 1653, they formed the design to drive them from the continent, and applied to Oliver Cromwell for assistance. He, being then engaged in the two years' war with Holland, which the Parliament had commenced, promptly acceded to their request, by despatching a squadron to aid the colonial troops. The design was, however, arrested, by intelligence of the peace that had been concluded between the Protector and the States-General.* And it is remark-

* Oldmixon i. 119. Chalmers 574. Trumbull i. 168. Hazard's Col. vol. ii. Grahames' Col. Hist. of North America.

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able, that the treaty has no direct reference to the possessions of either party in North America; but, stipulating for the restoration of peace, between the dominions of the two countries in every part of the world, and the English expedition being countermanded thereon, the validity of the Dutch claim to the country, it is supposed, was manifestly implied and practically acknowledged.* Yet, the New England men, succeeded in impressing different views upon Richard Cromwell; who, during his short protectorate, addressed instructions to his commanders, for the invasion of New Netherlands, and directed the concurrence of the forces of the English colonial governments, in the enterprise; but the subversion of his ephemeral power, prevented the execution of his orders.†

Charles II., however, from enmity to the States-General, certainly not from love of his transatlantic subjects, entered into their designs. His sentiments were enforced by the interest of the Duke of York, who had placed himself at the head of a new African company, with the view of extending and appropriating the slave trade, and which found its commerce impeded by the more successful traffic of the Dutch. Like the other courtiers, the Duke had cast his eyes, on the American territorities, which his brother was about to distribute with a liberal hand; and to other reasons, which he employed to promote a rupture with the Dutch, he solicited a grant of their North American possessions, on the prevailing plea, that they had been originally usurped from the territory, properly belonging to Britain.‡ The influence of these motives on the mind of the King, may have been aided by the desire to strike a blow that would enforce the arbitrary commission, he was preparing to send to New England, and to teach the Puritan colonists there, that he had power to subdue his enemies in America.

XXIII. Charles having failed in repeated attempts to provoke the resentment of the States-General, resolved to embrace the suggestion of his right to the province of New Netherlands. In pursuance of this purpose, a royal charter, dated 20th March, 1664, was executed in favour of the Duke of York, containing a grant of the whole region, extending from the western bank of the Connecticut river, to the eastern shore of the Delaware, together with the adjacency of Long Island, and conferring on his royal highness, all the powers of government, civil and military, within these ample boundaries. This grant disregarded alike, the possession of the Dutch and the recent charter of Connecticut, which, from ignorance or carelessness in the definition of boundaries, it wholly, but tacitly superseded.

As soon as the Duke had obtained this grant, and before investiture, he proceeded to exercise his proprietary powers in their fullest extent, by conveying to Lord Berkeley and Sir George Carteret, all that portion of the territory, which forms the present state of New Jersey. A military force, however, had been prepared to compel possession; and with some secrecy too, although this was scarce necessary, since the Dutch, so far from apprehending an attack, had, but a few months before, sent to their colony, a vessel laden with planters and the implements of husbandry.

XXIV. The command of the English troops in the expedition, and the government of the province against which it was directed, were given to Colonel Nicholls, who had studied the art of war under Marshal Turenne, and who, with George Cartwright, Sir Robert Carr, and Samuel Maverick, also, had a commission to visit the colonies of New England, and investigate

* Oldmixon i. 119. Chalmers 574. Trumbull i. 168. Hazard's Col. vol. ii. Grahame's Col. History of North America.

† Ib. ib. Thurloe's Collec. i. 721.

‡ Sir J. Dalrymple's Mem. ii. 4. Hume's England. Chalmers. Grahame, vol. ii. 214.

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and determine, according to their discretion, all disputes and controversies within the various colonial jurisdictions. After touching at Boston, where an armed force was ordered to be raised and sent, to join the expedition, the fleet proceeded to the Hudson river, and anchored before the capital of New Netherlands. The requisition from Boston was so tardily obeyed, that the enterprise was over, before the Massachusetts troops were ready to march; but governor Winthrop of Connecticut, with several of the principal inhabitants of that province, immediately joined the King's standard.*

The armament, consisting of three ships, with one hundred and thirty guns and six hundred men, was too formidable to be resisted by a petty town, hastily and poorly fortified, and manned by peaceful burghers, or mere plodding planters. Yet the spirited governor was exceeding loth to surrender without, at least, having attempted its defence; although the favourable terms offered to the inhabitants disposed them to immediate capitulation. After a few days of fruitless negotiation, during which, Stuyvesant pleaded, in vain, the justice of the title of the States-General, and the peace existing between them and the English nation, the province was surrendered upon the most honourable terms to the vanquished, who preserved their arms, ammunition, and public stores, with leave to transport them, within twelve months, to Holland: the inhabitants were free to sell their estates and return to Europe, or retain them and reside in the province; such as remained, were to enjoy their ancient laws relative to the descent of property, liberty of conscience in divine worship, and church order, and perpetual exemption from military service; and what was yet more extraordinary, all Dutchmen continuing in the province, or afterwards resorting to it, were allowed free trade with Holland;† but this privilege being repugnant to the navigation act, was soon afterwards revoked. Notwithstanding these very advantageous conditions, the mortified commandant could not be brought to ratify them, for two days, after they had been signed by the commissioners.‡ Immediately afterwards, Fort Orange also surrendered. In honour of the Duke, the city of New Amsterdam received the name of New York, afterwards extended to the province, and Fort Orange, that of Albany. The greater part of the inhabitants submitted, cheerfully, to the new government; and governor Stuyvesant retained his property and closed his life, in his beloved city.

XXV. Sir Robert Carr, with two frigates, and the troops not required at New York, was sent to compel the submission of the colony on the Delaware; which he effected with the expenditure of two barrels of powder and twenty shot. By articles of agreement, signed Garret Saunders, Vautiell, Hans Block, Lucas Peterson, and Henry Cousturier, it was stipulated, "that the burgesses and planters submitting themselves to his Majesty, should be protected in person and estate; that, the present magistrates should continue in office; that permission should be given to depart the country, within six months, to any one; that all should enjoy liberty of conscience in church discipline, as formerly; and that any person taking the oath of allegiance, should become a free denizen, and enjoy the privilege of trade in his Majesty's dominions, as freely as any Englishman."§ From this separate convention, it would seem, that the capitulation of New York was not deemed conclusive upon the Delaware settlements; whose affairs were henceforth conducted, until 1768, by their ancient magistrates, under the supervision of Captain John Carr, aided by a council consisting of Hans Block, Israel Holme, Peter Rambo, Peter Cock, and Peter Aldrick, from whom an appeal lay to the governor and council of New York.‖

* Trumbull i. 266. † Smith's N. J. Grahame's Col. Hist.
‡ August 27, 1664. § 1st October. ‖ New York Records.

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XXVI. Thus, by an act of flagrant injustice and tyranical usurpation, was overthrown the Dutch dominion in North America, after it had subsisted for more than half a century. The actual condition of their possessions was depreciated by Col. Nichols, in his letters to the Duke, from the humane view, it is supposed, of deterring his master from burdening or irritating the people, by fiscal impositions. Early travellers and writers unite in describing the Dutch colonial metropolis, so admirably chosen, as a handsome well built town; and Josselyn declares that the meanest house in it, was worth £100.* Indeed, the various provisions introduced into the articles of surrender, to preserve the comforts of the inhabitants, attest the orderly condition and plentiful estate they had acquired, and explain the causes of their unwarlike spirit. If their manners corresponded with those of their countrymen in the parent state, they were probably superior to those of their conquerors. Of the colonists, who had latterly resorted to the province, some had enjoyed affluence and respectability in Holland, and had imported with them, and displayed in their houses, costly services of family plate, and well selected productions of the Dutch school of painting.† No account has been preserved of the total population of the province and its dependencies; but the metropolis, at this time, is said to have contained about 3000 persons, of whom, one half returned to Holland. Their habitations, however, were soon occupied by emigrants, partly from Britain, but chiefly from New England. Upon the North river, throughout the present county of Bergen, Dutch settlers were numerous, and both shores of the Delaware were studded with plantations of Dutch and Swedes. Three Dutch families were settled at Lazy Point, opposite Mattinicunk Island, the site of Burlington, and four years later, one Peter Jegow, in 1668, (such was the intercourse between the two rivers) received license for, and kept a house of entertainment, for accommodation of passengers, travellers, and strangers, on this point of the Delaware.‡

The capture of New York and its dependencies, led to an European war, between Great Britain and Holland, ending in the treaty of Breda, of July, 1667. Happily, for the prosperity of the colony, which Nicholls, with the aid of the other English provinces, would have defended to the last extremity, neither the States-General, nor the Dutch West India Company, made any attempt to possess themselves of New York during this war; and at the peace, it was ceded to England, in exchange for her colony of Surinam, which had been conquered by the Dutch. This exchange was no otherwise expressed, than by a general stipulation in the treaty, that each nation should retain what it had acquired by arms, since the commencement of hostilities. The Dutch had no reason to regret this result, since they could not long have preserved New York against the increasing strength and rivalry of the inhabitants of New England, Maryland, and Virginia.§

Colonel Nicholls governed the province, for nearly three years, with great justice and good sense. He settled the boundaries with Connecticut; which, yielding all claim to Long Island, obtained great advantages on the main, pushing its line to Mamoroneck river, about thirty miles from New York—prescribed the mode of purchasing lands from the Indians, making the consent of the governor, and public registry, requisite to the validity of all contracts with them for the soil—and incorporated the city of New York, under a mayor, five aldermen, and a sheriff; and although he reserved to himself all judicial authority, his administration was so wise and impartial, that it enforced universal praise.

* Josselyn's Second Voyage, p. 154. Oldmixon i. 119.
† Grant's Memoirs of an American Lady, &c. vol. i. p. 11. Grahame's Col. Hist. vol. ii. 225. ‡ Elizabethtown Bill in Chancery. New Jersey Records.
§ Grahame's Col. Hist. vol. ii 231.

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CHAPTER II.

Comprising Events from the Grant to the Duke of York, to the Division of the Colony, into East and West Jersey. I. Nature of the Estate acquired by the Duke of York, by the Grant from Charles I.—II. Motives and Nature of the Grant from the Duke of York, to Berkeley and Carteret.—III. Bounds of the Country ceded.—IV. Proceedings of the Proprietaries, to settle their Province of New Jersey, &c.—their "Concessions."—V. Remarks on the Constitution.—VI. Assumption of Government by Colonel Nicholls—Indian Grants.—VII. Philip Carteret appointed Governor—His Efforts for Colonization—Advantages enjoyed by the New Colonists.—VIII. Unhappy Effects of the Demand of Proprietary Quit Rents.—IX. Recapture of New Netherlands by Holland—and Restoration to the English.—X. Re-grant of the Province to the Duke—Re-grant to Berkeley and Carteret.—XI. Return of Philip Carteret to the Government—Modification of the Constitution.—XII. Oppressive Conduct of Andross, Governor of New York.—XIII. Division of the Province into East and West Jersey.

I. We have seen, in the preceding Chapter, that James, Duke of York, even before he had obtained seizin of his newly granted fief, had conveyed a considerable portion of it to Lord Berkeley and Sir George Carteret. The charter to the duke, though less ample in its endowments than those previously granted to the proprietaries of Maryland and Carolina, resembled them by conferring the powers of *government* on the grantee and *his assigns*. And thus, even with the light which had been stricken forth by the extraordinary political concussions of the passing century, the allegiance and obedience of freemen, were made transferable as if they were serfs attached to the soil. Nor was this proprietary right merely potential.—Instances in the history of the Carolinas, New Jersey, and Pennsylvania, demonstrate, that the proprietaries regarded their functions less as a trust, than as an absolute property; subject to every act of ownership, and in particular, to mortgage and alienation. It was not until after the British revolution of 1688, that the legality of this power was disputed; when the ministers of William III. maintained its repugnance to the laws of England, which recognised (an absurdity not less) a hereditary, but not a commercial transmission of office and power. The point was never determined by any formal adjudication; but, the evil in process of time, produced its own remedy. The succession and multiplication of proprietaries became so inconvenient to themselves, that, they found relief, in surrendering their functions to the crown. In Carolina and New Jersey the exercise of the right of assignation, materially, contributed to shorten the duration of the proprietary government.*

II. Berkeley and Carteret were already proprietaries of Carolina. Not satisfied with this ample investiture, nor yet certified by experience, of the tardy returns from colonial possessions, they had been induced, by the representations of a projector acquainted with the domain assigned to the Duke of York, to believe, that a particular portion of it would form a valuable acquisition to themselves. This person, we are assured by Colonel Nicholls, had been an unsuccessful applicant for the patent which the Duke had obtained, and revenged his disappointment by instigating these courtiers to

* Grahame's Col. Hist. vol. i. 315.

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strip him of a most desirable portion of his territory.* But the claims which the grantees of the duke had upon the royal family, together with the political motives of colonization, may have been sufficient reasons for the grant of a newly acquired, and almost unexplored wilderness in America; and we incline to the opinion, which we think is confirmed by the promptitude with which it was made, after the title of the Duke had accrued, that, the transfer to Berkeley and Carteret was an understood consideration of the grant to the Duke. Both were favoured courtiers;—Berkeley was of the Privy Council, and Carteret, Treasurer of the Navy, and Vice Chamberlain of the royal household.†

III. The cession from the Duke was made by deeds of lease and release, dated, respectively, 23d and 24th June, 1664, and conveyed to the grantees, their heirs and assigns, in consideration of a competent sum, "That tract of "land adjacent to New England, lying westward of Long Island, and Man-"hattan Island; and bounded on the east, part by the main sea, and part by "Hudson's river; and hath upon the west, Delaware Bay, or river; and "extendeth southward to the main ocean, as far as Cape May, at the mouth of "Delaware Bay; and to the northward as far as the northernmost branch of "the said bay, or river Delaware, which is in 41° 40′ of latitude; and "crosses over, thence, in a straight line, to Hudson's river, in 41 degrees of "latitude; which said tract of land is hereafter to be called *Nova Cæsaria*, "or New Jersey." The name was given in compliment to Carteret, who had defended the island of Jersey against the long Parliament, in the civil war. But the powers of government, which had been expressly granted to the Duke, were not in terms conveyed, though it would seem, that both parties deemed them to have passed by the grant.

IV. The first care of the proprietaries was to invite inhabitants to their province; and their exertions for this purpose, though pursued with more eagerness than perseverance, were marked by political sagacity, and held forth those assurances of civil and religious rights which had proven so attractive in New England. They prepared a constitution which they published under the title of "The concessions and agreement of the Lords Proprietors of New Jersey, to and with all and every of the adventurers, and all such as shall settle and plant there."‡ We deem it our duty to give much in detail, the provisions of this instrument; since from it, have sprung, many of the existing institutions of the state.

It provided; 1. That the governor of the province should have power, when occasion required, to appoint a substitute, and to nominate a council, in number, not less than six, nor more than twelve, by whose advice he should govern:—2. That the proprietaries or governor should nominate a secretary or register, to record all public affairs, and all grants or leases for more than one year, of land, from the proprietor, or from man to man; the execution of which, should be acknowledged before the governor or a judge; and giving to such recorded grants, preference to other conveyances:—3. That

* The name of this individual was Scot. Whether it was he, or another with the same name, who afterwards published an account of East New Jersey, we are uncertain. Colonel Nichols acquits Berkeley and Carteret of a design to defraud the Duke. But Carteret did not always enjoy an unspotted reputation. In 1669 he was expelled the House of Commons for *confused accounts* as chamberlain.—*Grahame's Col. Hist. Smith's New Jersey.*

† Clarendon.

‡ The date of this instrument, as given in Scot's model of the province of East New Jersey, in Smith's History of New Jersey, and in Leaming and Spicer's Collection of State Papers, is 10th February, 1664. This date precedes not only that of the grant to Berkeley and Carteret, but, also, that of the grant to the Duke of York. The date is, therefore, erroneous, unless we suppose the instrument was prepared before the charter from the king

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a surveyor-general, appointed in the same manner as the secretary, should survey the lands granted by the proprietary, and those of individuals when requested; certifying the same for record, to the register:—4. That all officers should swear (and record their oaths) to bear allegiance to the King, to be faithful to the proprietaries, and duly to discharge their respective trusts; persons subscribing a declaration to like effect *without oath*, being subject to the same punishment, as if they had sworn and broken their oaths:—5. That all subjects of the King of England, swearing allegiance to the King and faithfulness to the Lords, might become freemen of the province:—6. That no person so qualified, should, at any time, be in any way molested, punished, disquieted, or called in question for any difference in opinion or practice, in matters of religious concernment, who do not actually disturb the civil peace of the said province; but that all persons may freely and fully have and enjoy his and their judgments and consciences in matters of religion, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness, nor to the civil injury or outward disturbance of others; any law, statute, or clause contained, or to be contained, usage or custom of the realm of England, to the contrary thereof, in anywise notwithstanding:—7. As a restraint upon the right of advowson, claimed by the proprietaries, under their grant, that the Assembly should have power to constitute and appoint such and so many ministers or preachers as they shall think fit, and to establish their maintenance, giving liberty beside, to any person or persons to keep and maintain what preachers or ministers they please.

The concessions further provided—8. That, the inhabitants being freemen, or chief agents to others, should immediately choose twelve representatives, to unite with the governor and council in making laws; but, so soon as the proper territorial divisions should be made, that the inhabitants or freeholders thereof, respectively, should, annually, elect representatives who, with the governor and council, should form the General Assembly of the province; the governor or his deputy being present, unless he refused, when the Assembly might appoint a president. The Assembly was to have power to meet and adjourn at pleasure, and to fix their quorum at not less than one-third of their number: to enact all necessary laws, as near as may be, conveniently agreeable to the laws and customs of England, and not against the interest of the Lords Proprietors, nor against these concessions, and particularly, not repugnant to the article for liberty of conscience; such laws to be in force for one year, unless contradicted by the Lords Proprietors; within which time to be presented to them for ratification, and being confirmed, to remain in force until expired by their own limitation, or be repealed: to constitute courts, and all that shall pertain to them: to levy taxes on goods or lands, except such of the latter as were unsettled, belonging to the Lords Proprietors: to erect manors, with their courts and jurisdictions, and to divide the province into such districts as they might think proper: to create ports, and harbours; build castles, incorporate cities, towns, and boroughs; create a military force; naturalize foreigners; and prescribe the quantity of land to be allotted, from time to time, to every head, free or servant, within the proportions granted by the "concessions:" to provide for the maintenance and support of the governor, the necessary charges of government, and the collection of the Lords' rents; and lastly, to enact all such other laws, as may be necessary for the prosperity and settlement of the province, conforming to the limitations expressed in the "concessions."

The governor and council were empowered—9. To see that all courts and officers performed their duties, and to punish infraction of the laws:

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to nominate and commission the judges and other officers, according to the constitution of the General Assembly, appointing none but freeholders, except by assent of Assembly, and their commissions to revoke at pleasure: to have charge of all places of defence, and direction and officering of the military force, appointing none but freeholders without assent of the Assembly: to reprieve criminals until the pleasure of the Lords, who reserved the power to pardon, was known: to issue writs for supplying vacancies in the Assembly; and to grant warrants for land. They were required, *not to impose, nor suffer to be imposed, any tax upon the province or inhabitants, other than that imposed by the General Assembly:* to take care, that lands quietly held, seven years after survey by the surveyor-general, should not be subject to review by the proprietaries, or their agents.

And that the planting of the province might be the more speedily promoted, it was further provided—10. That, there should be granted to all persons who had already adventured, or should transport themselves or servants, before the 1st Jan. 1665, lands in the following proportions, viz. to every freeman, going with the first governor, armed with musket, ten pounds of powder and twenty pounds of bullets, with bandeliers and matches convenient, and with six months' provision, for his own person, arriving there, one hundred and fifty acres; and like quantity, for every able bodied servant, so armed, whether taken by the master, or sent thither, by him; and for every weaker servant, or *slave*, male or female, exceeding fourteen years, which any one should send or carry, arriving there, seventy-five acres; and to every Christian servant, exceeding such age, seventy-five acres, for his own use: to the master or mistress going before 1st January, 1665, one hundred and twenty acres, and like quantity for an able bodied male servant, taken with, or by, them; and for other servants or slaves, as above, sixty acres, with sixty acres for the servant's own use, when able, and forty-five acres when of the weaker class. Where the party emigrating arrived, from January 1666 to January 1667, armed and provided as aforesaid, he became entitled, for self and able servant, to sixty acres of land for each, and such servant to like quantity, and weaker servants or slaves, thirty acres each. All lands were to be taken up by warrant, from the governor, and confirmed, after survey, by the governor and council, under a seal to be provided for that purpose. All lands were to be divided by general lot, none less than two thousand one hundred, nor more than twenty-one thousand, acres, except cities, towns, &c., and the near lots of townships; and of such lots, towns, &c., one seventh, was reserved, by lot, for the proprietaries. Convenient portions of land were to be given, for highways and streets, not exceeding one hundred feet in breadth, in cities, towns and villages; for churches, forts, wharves, keys and harbours, and for public houses; and to each parish for the use of their minister, two hundred acres, in such place as the General Assembly might appoint. A penny, or half penny, per acre, according to the quality of the land, was reserved to the proprietaries, annually, as quit rent.

V. Such was the first constitution of New Jersey, almost as democratic as the one she enjoys; and certainly a greater safeguard of her liberties, since this was, truly, a constitution, an unalterable paramount law, prescribing and regulating the duties and powers, of the agents of the government, whether legislative, executive, or judicial; whilst all the provisions of the instrument of 1776, save three, are placed at the will of the legislature. What more was necessary, save the perpetuity of the laws, to assure to the people, all the blessings of political union? No laws were in force, save for one year, without the assent of the Lords Proprietors. But, laws which did not infringe their interests, would, commonly, receive their assent; and when it

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was refused, at the worst, the Assembly was compelled to re-enact such laws, annually. It was, indeed, a singular competition, which these proprietary governments produced, in which despotic sovereigns, and speculative legislators, were compelled, by interest, to vie with each other, in the production of models of liberty, and in offering to their subjects, the most effectual securities against arbitrary government. The competition was, the noble, though compulsory sacrifice to the great and divine principle, that man, in the aggregate, is competent to promote his own happiness.

VI. Upon the conquest of New Netherlands, Col. Nicholls assumed the administration of the whole territory, as governor for the Duke of York. While yet unacquainted with the grant to Berkeley and Carteret, he formed the design of colonizing the district which they had acquired; and for this purpose, granted licenses to various persons, to make purchases of lands from the aboriginal inhabitants; a measure, however wise in its conception, fraught, ultimately, with perplexing consequences to the Duke's grantees, by the creation of a pretence for an adverse title. Three small townships were speedily formed, in the eastern part of the territory, by emigrants, chiefly, from Long Island, who laid the foundation of Elizabethtown, Woodbridge, and Piscataway; and Nicholls, who entertained a very favourable opinion of this region, bestowed on it the name of Albania, in commemoration of one of the titles of his master.* It is uncertain, whether Middletown and Shrewsbury had not been previously settled by Dutch and English. About this time, however, many respectable farmers, comprising almost all the inhabitants from the west end of Long Island, removed to the neighbourhood of Middletown; and to Shrewsbury, there came many families from New England.†

* Smith's N. J. Grahame's Col. Hist.

† The petitioners for the Elizabethtown tract, 26th Sept. 1664, were John Bailey, Daniel Denton, Thomas Benydick, Nathaniel Denton, John Foster, and Luke Watson. The parties to the deed, from the Indians, dated 28th Oct. 1664, are *Mattano*, Manawarne, and Conascomon, of Staten Island, and John Bailey, Daniel Denton, and Luke Watson:—the tract conveyed, is described, as "one parcel of land, bounded on the south, by a river, commonly called the Raritan, and on the east, by the river which parts Staten Island and the main, and to run northward up Arthur Cull Bay, till we come to the first river, which sets westward out of the river aforesaid; and to run westward, into the country, twice the length that it is broad, from the north to the south, of the aforementioned bounds." The consideration given for this broad tract, was twenty fathom of trading cloth, two made coats, two guns, two kettles, ten bars of lead, twenty handfuls of powder, and four hundred fathoms of white, or two hundred of black, wampum, payable in one year from the day of entry, by the grantees, upon the lands. The whole valued at thirty-six pounds and fourteen shillings sterling. One of the grantors attests the conveyance, perhaps the first Indian grant made with technical form, by a mark opposite to his name. This, subsequently, became the common mode of signature; and the illiterate sons of the American forest, like the unlettered noble of the European feudal states, adopted as a sign manual, occasionally, the picture of a bird, or other object, that captivated his fancy. Mattano was the only grantor who signed, and his mark was ~~~~ or waved line; and, unfortunately for his business character, he had executed a deed, for the same lands, to Augustus Herman, already mentioned. The grant, however, is duly confirmed, probably, in entire ignorance of preceding events, by governor Nicholls.‡ The wampum was the current money of the Indian tribes, the precious material of which their ornaments were made, and the sacred sanction of their contracts, public and private. The name is derived from an Indian word, meaning *muscle*. It was called by the Dutch, *sewant*. It was worked from shells into the form of beads, and perforated, to string on leather. Six beads were formerly valued at a stiver, twenty stivers made a guilder, 6d. currency, or 4d. sterling. The white was fabricated from the inside of the great conchs, the black or purple, from the clam or muscle shell. Several strings, increased in number with the importance of the occasion, formed the belt of wampum. Before

‡ See Elizabethtown Bill in Chancery.

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But the hope, which Nicholls had conceived, of rendering the district a valuable appendage of the Duke's possessions, was destroyed by intelligence of the grant to its new proprietaries. He remonstrated, with his master, on the impolicy of thus multiplying statistical divisions, and disjointing, from his own province, a portion distinguished for the fertility of its soil, the commodiousness of its rivers, and the richness of its minerals: and while he urged the Duke, to revoke a grant, so prejudicial to his interests, he predicted, truly, that the attempt of his grantees, to colonize the vacant territory, would disappoint their expectations of profit, and involve them in expenses, of which their remote posterity, only, could hope to gather the fruits.*

VII. Whatever effect this remonstrance may have had upon the Duke, it was too late to revoke the grant; and Nicholls was compelled to surrender the government of New Jersey, to Philip Carteret, who arrived with a company of thirty settlers, from England, and established themselves at Elizabethtown,† regarded as the capital of the infant province. At this period, however, there were only four houses here, and the name was given by him in honour of Lady Elizabeth Carteret.‡ Soon after his arrival, he despatched emissaries to New England, and other adjacent colonies, to make known the proprietaries' "concessions," and to invite settlers; whose efforts were attended with extraordinary success. Among those who came on this invitation, were the founders of Newark, who, in consequence of the inability of the governor, to pay the consideration required by the Indians, took, by his license, an Indian title, which was afterwards vexatiously set up against that of the proprietaries.

It was the happy peculiarity in the lot of these colonists, that establishing themselves in the vicinity of countries already cultivated, they escaped the disasters and privations which had afflicted so severely, the first inhabitants of most of the other provinces. Their neighbourhood to the commerce of New York was considered highly advantageous during the infancy of their settlement; though, in process of time, it was less favourably regarded, as preventing the rise of a domestic mart, which might give more effectual encouragement to their trade. Like the other colonists of North America, they enjoyed the advantage of transporting the arts, and habits of industry, from an old country, where they had been carried to high perfection, into a new land, which afforded them more liberal encouragement, and more unrestricted scope. Their exertions for raising cattle and grain were speedily and amply rewarded, by a grateful soil; and their friendly relations with the Indians enabled them to prosecute their labours, in undisturbed tranquillity, and to add to them a beneficial traffic, in peltry, with the roving tribes, by which the adjacent forests were inhabited. Their connexion with New York, also, gave them the advantage of the alliance, which subsisted between that colony, and the powerful confederacy of the Five Nations, whose influence extending to all the tribes of the new settlement, procured its inhabitants entire exemption from Indian war. Recommended by the salubrity of the climate, as by its many other advantages, it is not surprising that New Jersey was soon celebrated by the early writers, with higher commendations

the advent of the Europeans, the Indians made their strings and belts, of small pieces of wood, stained black or white. For want of proper tools, few were made of shells, though highly valued. But the Europeans soon manufactured them of the latter material, neatly and abundantly. The value of this Indian money, was raised by proclamation, in 1673, from the governor and council of New York, commanding that, "instead of eight white and four black, six white and three black, should pass for a stiver, and three times so much, the value in silver.—*New York Records.*

* Grahame's Col. Hist. † August, 1665. ‡ Elizabethtown Bill.

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than any other of the colonies. The proprietaries, stimulated by the hope of a rich revenue, industriously proclaimed its advantages in Europe and America, and, from time to time, despatched from England, vessels freighted with settlers, and stores, to reinforce the numbers, and supply the wants of their people.

VIII. But the period to which they had looked, for the fruition of their hopes, demonstrated their fallacy; and the peace of the province was unhappily interrupted by the arrival of the day fixed for the payment of the proprietary quit rents. The first demand of this tribute excited universal disgust among the colonists, who expressed greater unwillingness, than inability, to comply with it. A party among them, including the few settlers who had seated themselves under the authority of Colonel Nicholls, refused to acknowledge the title of the proprietaries, and in opposition to it, set up the Indian title, which we have already noticed, and also, the right of government within the tract, thus conveyed to them. And the better to support this pretence, they prevailed on James Carteret, a weak and dissolute natural son of Sir George, to assume the government, as by their election, and under an alleged proprietary title, which, he asserted, he was not obliged to show.* For two years, the governor, Philip Carteret, maintained an ineffectual struggle, to enforce the claims of his employers; until, at length, the popular discontent broke forth into insurrection—his officers were imprisoned, their estates confiscated—and he was compelled to fly from the province, and to seek redress in England, leaving John Berry, as deputy Governor, and James Bollen, Secretary of the Province.† His return, with strengthened authority, was retarded by the unexpected events of the following year, when New York, being reconquered by Holland, New Jersey was again united to the province of New Netherlands.

IX. The second war with Holland, most wantonly and unjustly provoked by the dissolute Charles, in subserviency to the ambition of Louis XIV., was declared, March 17th, 1672. A small squadron despatched from Holland, under the command of Binkes and Evertzen, to destroy the commerce of the English colonies, having performed that service, with great effect on the Virginia coast, was induced to attempt a more important enterprise, by intelligence of the negligent security of the Governor of New York. The Dutch had the good fortune to arrive before this, their ancient seat, while Lovelace, the Governor, was absent, and the command was exercised by Captain Manning, who, by his own subsequent avowal, and the more credible testimony of his conduct, was a traitor and a coward. Now was reversed the scene, which had been presented on the invasion by Nicholls. The English inhabitants prepared to defend themselves, and offered their assistance to Manning; but he obstructed their preparations, rejected their aid, and on the first intelligence of the enemy's approach, struck his flag, even before their vessels were in sight. As the fleet advanced, the garrison demonstrated their readiness to fight, but in a transport of fear, he forbade a gun to be fired, under pain of death, and surrendered the place, unconditionally, to the invaders. After this extraordinary and unaccountable conduct, Manning had the impudence to repair to England, whence, he returned, in the following year, after the province had been given up, by the Dutch. He was tried, by a court martial, on a charge of treachery and cowardice, expressed in the most revolting terms; which, confessing to be true, he received a sentence almost as extraordinary as his conduct;—"that, though he deserved death, yet, because he had, since the surrender, been in England, and *seen the King and the Duke*, it was adjudged that his sword should be

* 1670. † 1672.

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broken over his head, in public, before the city hall; and himself rendered incapable of wearing a sword, and of serving his majesty for the future, in any public trust."* The old maxim, that, grace was dispensed by the mere look of a king, was respected on this occasion. The Dutch commanders, in their triumph, imitated the moderation and prudence of Nicholls; and assuring the citizens of their rights and possessions, gratified the Dutch colonists, and left the English cause of complaint, only against their pusillanimous commander. Like moderation being tendered to the other districts of the province, on condition of sending deputies, to swear allegiance to the States-General, induced the whole to submit.† The Dutch dominion was restored more suddenly than it had been overthrown, and the name of New Netherlands was once more revived—but was not destined to long endurance.

Great consternation prevailed in the adjoining English colonies. The government of Connecticut, with apparent simplicity, that ludicrously contrasts with the ordinary astutia of her people, sent a deputation to the Dutch admirals, to remonstrate against their usurpation of dominion, over the territory of England, and the property of her subjects; to desire them to explain the meaning of their conduct, and their further intentions, and to warn them, that the united colonies of New England, entrusted with the defence of their sovereign dominions, in America, would be faithful to their trust. The Dutch commanders, as they well might, expressed surprise at the terms of this message, but declared, that commissioned by their country, to assail her enemies, whilst they applauded the fidelity of the English, to their sovereign, they would imitate the good example, and endeavour to prove equally faithful to the States-General. Active preparations for war, were, forthwith, made by Connecticut, and the confederate colonies; but, as each party stood on the defensive, only a few insignificant skirmishes took place, before winter suspended military operations. Early in the following spring, the controversy was terminated, without further bloodshed, by the treaty of peace, concluded at London, and the restoration of New York, to the English.‡

X. Doubts had been raised, as to the validity of the Duke of York's title, because granted whilst the Dutch were in full and peaceful possession of the country; and which, though originally good, seemed to have been impaired by the subsequent conquest. The Duke deemed it prudent to remedy this defect, and to signalize the resumption of his proprietary functions, by a new patent. Another cause, however, may have contributed to this measure.—He probably, supposed, that it would afford him an opportunity of dispensing with his grant, to Berkeley and Carteret. It was pretended, that the Dutch conquest, had extinguished the proprietary rights, and that the country had been acquired, *de novo*, to the crown. A new charter recited the former grant, and confirmed to him the whole which that had covered. The misfortune, and evident incapacity of Lovelace, precluded his re-appointment to the office of governor, which was conferred on Edmund Andross, who disgraced his superior talents, by the unprincipled zeal and activity, with which he devoted them to the arbitrary designs of his master.

In him, and his council, were vested all the functions of government, legislative and executive, and their power was extended over New Jersey. It seems, however, that the Duke wanted either resolution or authority, to effectuate his iniquitous intentions; for, on the application of Sir George Carteret, he promised the renewal of his charter, which, after some delay and hesitation, he performed. Previous to this second grant, it would seem, that

* Smith's New York. † July, 1673. ‡ 28th February, 1674.

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Lord Berkeley and Sir George Carteret, had agreed upon a partition of the province, since the country described therein, was bounded, on the southwest, by a line drawn from Barnagat Creek to the Rancocus. But, though he finally consented to restore New Jersey, he endeavoured to evade the full performance of his engagement, pretending to have reserved certain rights of sovereignty over it, which Andross seized every opportunity of asserting.

XI. In the commencement of the year 1675, Philip Carteret returned to New Jersey, and resumed the government of the settlements, in the eastern part of the province. The inhabitants, who had experienced the rigours of conquest, and the arbitrary rule of Andross, readily received him; and as he postponed the payment of their quit rents, to a future day, and published a new set of "*concessions*," by Sir George Carteret, a peaceable subordination was once more established in the colony. These new "concessions," however, restricted the broad grant of political freedom, originally framed, by giving to the governor and council, the power of naturalization, the right to approve such ministers as might be chosen by the several corporations, and to establish their maintenance; granting liberty, however, to all persons, to keep and maintain what preachers they pleased. They authorized the governor, also, to appoint the times and places of meeting of the General Assembly, and to adjourn them at pleasure, and to separate the counsellors and delegates into two chambers.*

XII. Yet, the only disquiet, during several years, arose from the efforts of Andross, from time to time, to enforce the unjust pretensions of the Duke. Governor Carteret, in hope of procuring to his people, a share of the advantages, which the neighbouring colony derived from her commerce, attempted to establish a direct trade between England and New Jersey. But Andross earnestly opposed this proper measure, as one injurious to New York; and by confiscating vessels engaged in such trade, extinguished the New Jersey commercial enterprise in its infancy. In addition to this outrage, he endeavoured, by various exactions, to render the colonists tributary to his government; and even had the insolence, by a force despatched to Elizabethtown, to arrest governor Carteret, and convey him prisoner to New York. When complaints of these proceedings were made to the Duke, he evinced the same indecision and duplicity, that had characterized all his recent conduct. He could not, he said, consent to depart from a prerogative which had always belonged to him; yet, he directed the relaxation of its exercise, as a matter of favour to his friend, Sir George Carteret.† But the province had now been divided into two proprietary jurisdictions; and it was in the western part, where Carteret had ceased to have an interest, that the Duke most exercised his prerogative. The circumstances which attended this partition, are not the least interesting of the provincial history of the state.

* Leaming and Spicer's Col.

† Douglas ii. 272. S. Smith 68, 77. Chalmers, 616, 618. Smith's N. Y. 45. Grahame's Col. Hist.

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CHAPTER III.

From the Division of the Province, into East and West Jersey, to the Purchase of East Jersey, by Quakers.

I. Motives of the Quakers for Emigration.—II. Sale of Lord Berkeley, to Byllinge and Fenwicke.—III. Assignment of West Jersey to William Penn, and others in Trust, for the Creditors of Byllinge.—IV. "Concessions," or Constitution of West Jersey.—V. Measures of the Proprietaries to promote Colonization.—VI. Commissioners appointed to Administer the Government of West Jersey—their Proceedings.—VII. Increase of Emigrants—Success of their Efforts.—VIII. Death of Sir George Carteret—Successful Efforts of the Colonists, to procure Relief, from the Jurisdiction of New York.—IX. Extraordinary Pretensions of Byllinge.—X. Resisted by the Proprietaries, in General Assembly—Samuel Jennings elected Governor—Proceeds to England, as Deputy of the Assembly—The Right of Government, purchased by Doctor Daniel Coxe, and subsequently transferred to the West Jersey Society.—XII. Meeting of the First Assembly—Proceedings.—XIII. Modification of the Law, relating to Religious Faith.—XIV. Death of Carteret—his Disposition of East Jersey.—XV. Troubles at the Close of the Administration of Philip Carteret.—XVI. Review of the Policy of the Proprietary Governments.—XVII. Comparison between the Laws of East and West Jersey.

I. Soon after the restoration of Charles II., the Quakers became objects of suspicion and dread, to his government, from a mistaken supposition, that, like the *Fifth Monarchy men*, or *Millenarians*, they held themselves entitled to overthrow, even by force, every temporal authority, which obstructed the advent of their cherished spiritual dominion. This suspicion was increased by the insurrection of the Millenarians, in the first year of the restored monarchy; and the refusal of the Quakers to give assurance of fidelity to the king, by taking the oath of allegiance. In consequence of this error, they were assailed with a rigour and reality of persecution, which hitherto they had never experienced, in England. They were, first, included with the Millenarians, in a royal proclamation, forbidding either, to assemble under pretence of worship, elsewhere, than in the parochial churches; but were soon afterwards, distinguished by the provisions of an act of parliament, that applied exclusively to themselves.* This statute enacted, that all Quakers refusing to take the oath of allegiance, and assembling to the number of five persons, above sixteen years of age, should, for the first and second offences, incur the penalty of fine, and imprisonment; and for the third, should either abjure the realm, or be transported beyond it. Nay, so cordial was the dislike entertained by the court, against them, that, instead of using their complaints as cause of quarrel, with the obnoxious province of Massachusetts, the enmity in this province against the Quakers, was sustained: and the authorities there, were invited to a repetition of the severities, which had been, at one time, prohibited. "We cannot be understood," said the king's letter of 1662, after urging general toleration, "hereby, to direct or wish, that any indulgence should be granted to Quakers, whose principles, being inconsistent with any kind of government, we have found it necessary, with the advice of our parliament here, to make a sharp law against them; and are well content, that you do the like, there."

These unfavourable and erroneous sentiments, it is true, were shortly after exchanged by the king, for a more just estimate of Quaker principles. But, the alteration in his sentiments, produced no relaxation of the legal

* Grahame's Col. Hist. vol. ii. p. 332.

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severities to which the Quakers were subjected; and was attended with no other consequence, than a familiar and apparently confidential intercourse, between him, and some of their more eminent leaders, together with many expressions of regard and good will, on his part, which he was unwilling or unable to substantiate. In the persecution, now commenced against all classes of dissenters, the Quakers were exposed to a more than equal share of severity, from the unbending zeal, with which they refused to conform, even in appearance, to any one of the obnoxious requisitions, and the eagerness with which they seized every opportunity of manifesting their forbidden practices, and signifying their peculiar gifts of patient suffering, and untiring perseverance. In every part of England, they were harassed with fine and imprisonment, and great numbers were transported to Barbadoes, and to the American settlements;* where, they formed a valuable addition to the English population, and quickly discovered, that their persecutors, in expelling them from their native land, had, unconsciously, contributed to ameliorate their condition. Instead of the wild enthusiasts who had rushed with headlong zeal to New England, in quest of persecution, there was now introduced into America, a numerous body, of wiser and milder, professors of Quakerism, whose views were confined to the enjoyment of that liberty of worship, for the sake of which, they had been driven into exile.

In several of the American provinces, as in the island of Barbadoes, they experienced full toleration, and friendly reception from the governments, and inhabitants; and, even in those provinces, where they were still objects of suspicion and severity, they rendered their principles less unpopular, by demonstrating with what useful industry, and peaceful virtue, they might be combined. Contented with the toleration of their worship, and diligently improving the advantages of their new lot, many of the exiles obtained, in a few years, to plentiful and prosperous estates: and so willing were they to reconcile their tenets, with existing institutions of the countries, in which they were established, that they united in the purchase and employment of negro slaves. Perhaps, the deceitfulness of the human heart, was never more strikingly exhibited, than in this monstrous association of the characters of exiles, for conscience sake, and the principles of universal peace and philanthropy, with the condition of slave owners and the exercise of arbitrary power. Yet, in process of time, much good was educed from this evil; and the inconsistency of one generation of Quakers, enabled their successors, to exhibit to the world, a memorable example of disinterested regard, for the rights of human nature, and a magnanimous sacrifice to the requirements of piety and justice.†

The principles of the sect continued, meanwhile, to propagate themselves, in Britain, to an extent, that more than supplied the losses occasioned by the banishment of their professors. Almost all the other sects had suffered an abatement of piety and reputation, from the furious disputes, and vindictive struggles, that attended the civil wars; and while the Quakers were exempted from this reproach, they were no less advantageously distinguished, by a severity of persecution, which enabled them to display, in an eminent degree, the primitive graces of Christian character. It was, now, that their cause was espoused, and their doctrines defended, by writers, who yielded to none of their contemporaries, in learning, eloquence, or ingenuity, and who have not been equalled, nor even approached, by any succeeding Quaker authors. The doctrines that had floated, loosely, through the

* In one vessel alone, which was despatched from England, in March, 1664, sixty Quaker convicts, were shipped, for America.—*Williamson's North Carolina*, i. 82.

† Grahame's Col. Hist.

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Quaker society, were collected and reduced to an orderly system; the discipline necessary to preserve from anarchy, and restrain the fantastic sallies, which the genuine principle of Quakerism, is peculiarly apt to beget, was explained and enforced;* and in the midst of a persecution that drove many of the Presbyterians of Scotland to despair and rebellion, the Quakers began to add to their zeal and resolution, that mildness of address and tranquil propriety of thought, by which they are universally characterized. Yet, it was long before the wild and enthusiastic spirit, which had distinguished the rise of the society, was banished entirely from its bosom; and while it continued, a considerable diversity of sentiment and language, prevailed among the brethren. This diversity was manifest, particularly, in the sentiments entertained relative to the duty of confronting persecution. While all considered it unlawful to forsake their ordinances, on account of the prohibition of their oppressors, many held it, a dereliction of duty, to abandon their country, for the sake of their enjoyment in a foreign land. Considering Quakerism as a revival of primitive Christianity, and themselves as fated to repeat the fortunes of the first Christians, and to gain the victory over the world, by evincing the fortitude of martyrs, they had associated the success of their cause with the infliction and endurance of persecution, and deemed retreat, to be flight from the contest between truth and error. The promulgation, rather than the toleration, of their principles, seemed their great object; and their success was incomplete, without the downfall of the established hierarchy. But others of more moderate temper, though willing to sustain the character of the primitive Christian, believed it not inconsistent with the exercise of that liberty, expressly given to the apostles, when persecuted in one city, to flee to another. Disturbed in their religious assemblies, harassed and impoverished by fines and imprisonments, and withal, continually exposed to violent removal from their native land, they were led to meditate the advantages of voluntary expatriation with their families and substance; and, naturally, to cast their eyes on that country, which, notwithstanding the severities once inflicted on their brethren, in some of its provinces, had always presented an asylum to the victims of persecution. Their regards were further directed to this quarter, by the number of their fellow sectaries, who were now established in several of the North American states, and the freedom, comfort, and tranquillity, which they were there enabled to enjoy.†

II. Such was the situation of the Quakers when Lord Berkeley, alarmed by the insubordination of the planters of New Jersey, and dissatisfied with the pecuniary prospects of his adventure in colonization, offered his share of his province for sale. He soon received the offer of a price, that was satisfactory, from two English Quakers, John Fenwicke and Edward Byllinge; and on the 18th March, 1673, in consideration of one thousand pounds, conveyed his interest in the province, to the first, in trust for the other. A dispute arising between these parties, respecting their proportions of interest; to avoid the scandal of a law suit, it was submitted to William Penn, who now held a conspicuous place in the society of Friends. With some difficulty, he succeeded in making an award satisfactory to both parties. Fenwicke, in 1675, sailed from London, for the new purchase, in the ship Grif-

* See Appendix, C.

† Gough and Sewell's History of the Quakers, vol. i. chap. 2, 4, 6, 7 and 8, vol. ii. chap. 4. Neal's History of the Puritans, vol. iv. Grahame's Col. Hist. From the last work I have drawn, principally, the preceding view of the Quaker motives for emigration. It has, however, suffered such modification, in my hands, as to render me responsible for it.

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fith, with his family and several Quaker associates.* This was the first English vessel that came to New Jersey with emigrants. After a prosperous voyage, she landed her freight, at a rich and pleasant spot on a branch of the Delaware, to which Fenwicke, on account, probably, of its peaceable aspect, gave the name of Salem.

III. Further, immediate, efforts, at colonization, were prevented by the commercial embarrassments of Byllinge, who had sustained such losses, in trade, as rendered it necessary for him to assign his property for the indemnification of his creditors, with a resulting trust, in whatever balance there might be, for himself. Penn, unwillingly, at the solicitation of some of the creditors, became joint assignee, with Gawn Lawrie and Nicholas Lucas, (Quakers and creditors) of Byllinge's interest, in New Jersey. These trustees, under the pressure of circumstances, sold a considerable number of shares, of the undivided moiety, to different purchasers, who, thereby, became proprietaries, in common, with them.

IV. As all men, when, now, emigrating to America, sought, not only religious and civil freedom, but, also, the security which these could receive in the form of permanent records or constitutions, the proprietaries of West New Jersey, published their "*concessions*," comprising many of the provisions of the instrument formed by Berkeley and Carteret, together with others, originating with themselves. The management of the estate and affairs of the province, was committed to the commissioners, appointed by the proprietaries, with power to divide and sell the lands, to lay out towns, and, generally, to govern the province according to the "concessions," until March, 1680; at which time, and thence, annually, ten commissioners were to be elected by the people, until a General Assembly should be chosen. The territory was to be divided into one hundred lots, or proprietaries, ten of which, to be assigned to Fenwicke, and the remainder to the assignees of Byllinge; and the hundred proprietaries were to be divided into ten divisions or tribes, and the *inhabitants* of each, were empowered to elect a commissioner; and, for the avoidance of "noise and confusion, all elections were directed to be by ballot. Lands were given to settlers upon principles analogous to those adopted in the concessions of Berkeley and Carteret.

The instrument then sets forth, the charter or fundamental laws, and declares, that, they shall be the foundation of the government, not to be altered by the legislative authority: that every member of the Assembly, who shall, designedly, wilfully, and maliciously move any thing subversive of such constitution, on proof, by *seven* honest and reputable persons, shall be proceeded against, as a traitor to the government: that, such constitution should be recorded, in a [redacted] table, at the Assembly house, and read at the commencement and dissolution of every Assembly, and be, also, written in fair tables in every common hall of justice, and read, in solemn manner, four times every year, in presence of the people, by the magistrates: that, as no men, nor number of men, upon earth, had power to rule over men's consciences, no one should, at any time, be called in question, or hurt in person, privilege, or estate, for the sake of his opinion, judgment, faith, or worship, towards God, in matters of religion: that, no inhabitant should be deprived of life, limb, liberty, privilege, or estate, without due trial and judgment, passed by twelve good and lawful men of his neighbourhood; and in *all trials*, the

* There came passengers, with Fenwicke, Edward Champness, Edward Wade, Samuel Wade, John Smith and wife, Samuel Nicholls, Richard Guy, Richard Noble, Richard Hancock, John Pledger, Hypolite Lefever, and John Matlock. These, and others with them, were masters of families. Among the servants of Fenwicke, were John Adams and Samuel Hedge, who, subsequently, married his daughters.—*Smith's N. J.* 79.

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accused might peremptory challenge thirty-five jurors, and for cause shown, the whole array: that, in civil cases, no inhabitant of the province should be arrested, until after summons and default of appearance; and imprisonment for debt, on surrender of the property of the debtor was prohibited: that, every court should consist of three justices or commissioners, who, sitting with the jury, should assist them in matters of law, but should pronounce such judgment, only, as the jury should give; to whom, only, the right of judgment belonged, in all causes civil and criminal; and should the commissioners refuse, then judgment to be pronounced by one of the jury: that, in all causes, civil and criminal, proof should be made by "the solemn and plain averment" of, at least, two honest and reputable persons; and perjury, in civil causes, was punishable by the penalty the one witnessed against might suffer, and in criminal cases, by fine, disqualification from giving evidence, and from holding office: that, in criminal cases, not felonious, the injured party might compound the offence before, or remit the penalty after, judgment: that, theft should be punished, by twofold restitution, and for lack of means, by the labour of the offender, until such restitution should be made, or as twelve men of the neighbourhood should determine, not extending to life or limb; and that breach of the peace, should be punished according to the nature of the offence, at the discretion of twelve men of the neighbourhood, appointed by the commissioners.

Much providence was displayed in the care of the estates of decedents. Wills were to be registered, and inventories filed, and security given, by executors, before administration. In case of intestacy, like provision was made in regard to administrators; and to secure two parts of the estate, for the children, and one-third to the wife; and if there were no child, half to the next of kin, and half to the wife: and guardians were appointed, of the persons and estates, by the commissioners. Where parents died, leaving children and no estates, the commissioners were to "appoint persons to take care for the children, to bring them up at the charge of the public stock of the province, or a tax to be levied by twelve men of the neighbourhood. No forfeiture was incurred, by suicide, or by way of deodand; and in cases of murder and treason, the sentence, and way of execution thereof, was left to the General Assembly to determine, as they, in the wisdom of the Lord, should judge meet.

As soon as the divisions or tribes, or such like distinctions should be made, the inhabitants, on the first of October, yearly, were to elect one proprietor or freeholder, for each proprietary, "to be deputies, trustees, or representatives, for the benefit, service, and behoof of the people; and whose number was a hundred, corresponding to the number of [illegible] proprietaries. Provision was made for the purity of elections, which were not to be determined by the common and confused way of cries and voices; but by putting balls in balloting boxes, for the prevention of all partiality, and whereby every man might freely choose, according to his own judgment and honest intention. This supreme legislature was empowered, to meet and adjourn within the year, at pleasure; to fix the quorum for business, at not less than one-half of the whole, and the votes of two-thirds of the quorum were required for determination. The question frequently agitated, relative to the obligation of the representative, to obey the instructions of his constituents, was, here, fully decided. He was holden, justly, to be their deputy or agent; and they were required, at his election, to give him their instructions at large, and he, to enter into indenture, under hand and seal, covenanting and obliging himself, in that capacity, to do nothing, but what should tend to the fit service and behoof of those that sent and employed him; and on failure of trust, or breach of covenant, he might be questioned in that or the next

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Assembly, by any of his electors: And further, each member was allowed one shilling, per day, payable by his constituents, not in compensation of his services, but that he might be known, as the servant of the people. The Assembly was, also, authorized, to constitute and appoint, ten commissioners of estate, for managing the affairs of the province, during the adjournments, and dissolution of the General Assembly: To enact all laws for the well-government of the province: To constitute all courts, together with the limits, power and jurisdiction thereof: To appoint the judges for such time as they may deem meet, not more than two years, their salaries, fees, and appellations: To appoint commissioners of the public seals, treasurers, and chief-justices, embassadors, and collectors. But the justices of the peace, and constables, were to be chosen by the people.*

The faults of this system of government are radical and glaring. A many-headed executive, possessing a temporary, and reflected portion only, of political power, necessarily engendered jealousy, division and favouritism; and distracted councils, produced contempt and disobedience. The legislature, composed of one house, was exposed to the evils of precipitation: and choosing from itself the executive, and the greater proportion of the officers of the commonwealth, to intrigue and corruption. Courts, without permanent judges—with juries, determining, in all cases, the law, as well as the fact, would disregard the established rules of jurisprudence, and produce uncertainty in the administration of justice; whilst the limited tenure of office, made incumbents unskilful and rapacious. Yet, this instrument contained many excellencies, and revealed principles of political science, which the enlightened philosophy of the present age, has not yet fully developed. Thus, the most entire liberty of conscience, was established; and the political power was emphatically in the people, who were absolutely free to pursue their own happiness;—the right of suffrage was universal—the personal liberty of the citizen was cherished, and the barbarism of imprisonment for debt, whether upon initiatory or final process, was abolished. The punishment of crimes, had in view, the reparation of injury, rather than the infliction of vengeance; and in no instance, did it extend to the loss of life or limb. The evidences of property were secured by registering offices;—and rules for the treatment of the aborigines, were framed upon principles of justice and humanity. The love of the proprietaries, for civil and religious freedom, and democratic rule so thoroughly established in the Quaker societies, was certainly conspicuous in their concessions, and had they possessed as much experience, as zeal, they would, probably, have framed a finished system.

V. With the publication of this instrument, the proprietaries gave a special recommendation of the province, to the members of their own religious fraternity, which produced an immediate display of that diversity of sentiment, which had begun to prevail in the society. Many, with lively expectations of future happiness, prepared to embark for the New Utopia; whilst others regarded with jealousy, and vehemently opposed, a secession, which they deemed pusillanimous. To moderate the expectations of the one, and appease the jealousy of the other, of these parties, William Penn, and his colleagues, addressed a circular letter, to "Friends," solemnly cautioning them, against leaving their country, from a timid reluctance to bear testimony to their principles, from an impatient, unsettled temper, or from any motive inferior, to a deliberate conviction, that the God of all the earth, opened their way, and sanctioned their removal. And admonishing them, to remember, that, although Quaker principles were established, in the province, only Quaker safeguards could be interposed for their protection; and

* See Appendix, D.

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that, religious toleration must depend for its continuance, on the aid of the Being, with whose will they believe it to concur, and could never be defended by force, against the arm of the oppressor. To this admonitory letter, there was annexed, "A Description of West New Jersey," correcting some trivial exaggerations, which had been bruited abroad, of the excellence of the soil, and climate; but conveying, in the main, a most inviting representation of the country. This neither did, nor was intended, to repress the ardour of Quaker emigration. Numerous purchases of colonial land, were made by Quakers, in various parts of England; and in the course of the year 1677, upwards of four hundred persons of this persuasion, transported themselves to West New Jersey; many of whom, were persons of property and respectability, who carried with them, their children and servants.

The first care of the assignees of Byllinge, was to make a partition of the province, between them and Sir George Carteret, which was effected by a deed, quintipartite,* comprehending, Sir George, William Penn, Gawn Lawrie, of London, merchant, Nicholas Lucas, of Hertford, malster, and Edward Byllinge, of Westminster; directing a straight line to be drawn through the province, from north to south, from the most southerly point of the east side of Little Egg Harbour, to the most northerly point, or boundary on the Delaware. To the portions thus separated, were given the names of East and West Jersey, respectively.†

Soon after,‡ letters were addressed by the West Jersey proprietaries, Penn, Lawrie, Lucas, Byllinge, (who had still an equitable interest,) and John Eldridge, and Edmond Warner, who had become the assignees of Fenwicke's portion, to Richard Hartshorne, Richard Guy, and James Wasse. The two first were Quakers, resident in East Jersey, and the last, an agent, sent out specially, from Europe. They were instructed to resist and control some irregular proceedings of Fenwicke, in the disposition of lands, to prepare for the many emigrants about to depart for the colony, to purchase lands from the natives, and to select a site for, and lay out a town of four or five thousand acres.§ Among the purchasers of West New Jersey, were two companies, one, of *Friends* from Yorkshire, and the other of *Friends* from London, who contracted for very considerable shares, for which they received patents.‖

VI. In 1677, the promised commissioners were sent out, by the proprietaries, to administer the government, pursuant to the concessions.** They embarked on board the Kent, Gregory Marlow, master, the second ship from London, to West Jersey. Whilst on the Thames, Charles II., in his pleasuring barge, came along side, and observing the number of passengers, and learning whither they were bound, asked if they were all Quakers, and gave them his blessing. After a tedious passage, they arrived at New Castle, on the 16th of August; and soon after, two hundred and thirty, landed at the mouth of Raccoon creek, where the Swedes had some habitations. Notwithstanding their number, the greatest inconvenience which they suffered, was want of room for lodgings; and some terror, from the abundance of

* Dated 1st July, 1676.

† Leaming and Spicer's Collection.

‡ 26th August, 1676.

§ The surveyor proposed for this duty, was a certain Augustin, of Maryland, or William Elliot, of York river, Virginia.

‖ See Appendix, E.

** These commissioners were Thomas Olive, Daniel Wills, John Kinsey, John Penford, Joseph Helmsley, Robert Stacy, Benjamin Scott, Richard Guy, and Thomas Foulke. Richard Guy came in the first ship. John Kinsey died at Shackamaxon, Kensington, soon after his landing; his remains were interred at Burlington, in ground appropriated for a burial ground, but now a street.—*Smith's New Jersey.*

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snakes, which were occasionally seen in their chambers, or crawling over the low roofs of their dwellings.* The vessel on the passage had dropped anchor at Sandy Hook, whilst the commissioners proceeded to New York, to exhibit their commission to Andross. He treated them civilly, but demanded, if they had any communication from the Duke, his master. This measure, obviously requisite, the commissioners had strangely neglected, and when Andross declined to recognise their authority, instead of extenuating their imprudence, they strenuously insisted upon their rights, under the assignment of Lord Berkeley. Andross cut short the controversy, by pointing to his sword; and as this was an argument, which they could not retort, they submitted to his jurisdiction, until they could obtain redress from England; taking magistrate's commissions from him, and conducting the land affairs according to their instructions. Fenwicke, who neglected to take a like precaution, in relation to his tenth, was twice seized, and detained, some time, prisoner, in New York.

Upon their arrival in the Delaware, the commissioners obtained, from the Swedes, interpreters, by whose agency they conducted their negotiations with the Indians, and purchased the lands from Timber Creek to Rancocus, from Oldman's Creek to Timber Creek, and from Rancocus to the Assunpink, by three several conveyances.† Not having sufficient goods to make payment for the land last purchased, they covenanted not to settle any portion of it, until full payment should have been made. After examination of the country, the Yorkshire commissioners, Helmesly, Emley, and Stacy, on behalf of their constituents, chose the tract between Rancocus, and the Falls, which hence was called the first tenth; whilst the London commissioners, Penford, Clive, Wills and Scott, selected that below Timber creek, which was called the second tenth. Disastisfied, however, with this separation, the Yorkshire men proposed to the Londoners, that, if they would unite in establishing a town, the latter should have the larger proportion, in consideration, that the Yorkshire men had the better land in the woods. These terms were embraced, and one Noble, a surveyor who came in the first ship, was employed to lay out the town plot, running the main street and dividing the land on either side, into lots, giving those on the east, to the Yorkshire, and those on the west, to the London, proprietors. The town thus founded, was first called New Beverly, after Bridlington, but the name was soon changed to Burlington, which it now bears.§

These pioneers having arrived late in the autumn, the winter was much spent, before they could erect permanent dwellings. In the mean time, they lived in wigwams, built after the manner of the Indians, and subsisted chiefly on Indian corn and venison, supplied by the natives. These simple people, less corrupted, than they afterwards became, from the use of ardent spirits, were kind to their guests, notwithstanding some malicious insinuations, that the strangers had sold to them the small pox in their match coats; that distemper having attacked them at this period.

VII. In the same year arrived two other vessels. *The Willing Mind*, John Newcomb, commander, with about seventy passengers, dropped anchor, at Elsinburg, in November. She was soon after followed, by the fly boat, *Martha*, of Burlington, Yorkshire, with one hundred and fourteen. On the 10th December, 1768, came *The Shield*, from Hull, Daniel Townes, commander. When passing Coaquanock, the site of the present city of Philadelphia, she ran so close to the shore, that in tacking, her spars struck the

* Smith's N. J.
† Dated, respectively, 10th September, 27th September, and 10th October, 1677.
‡ Smith's N. J. § See Appendix, F.

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trees, and some one on board remarked, how fine a spot this was for a town. A fresh gale brought her to Burlington, being the first vessel that came so far up the Delaware. She moored to a tree, and the next morning the passengers came ashore on the ice. About the same period, another ship arrived from London, freighted with passengers.*

Although compelled to endure the hardships inseparable from the occupation of a desert land, these were quickly surmounted, by the industry and patience of the emigrants. Their town soon assumed a thriving appearance, and was rapidly enlarged by increasing members. In this, as in other, infant settlements of America, the success of the colonist was commonly proportioned to the original humility of his condition; and he, who emigrated as a servant, was frequently more prosperous than his master. Persevering industry, temperance, and self-reliance, always reaped a full reward, whilst self-indulgence, and dependence upon hirelings, terminated in poverty.

VIII. Sir George Carteret, proprietary of East Jersey, died in 1679; having derived so little benefit from his American territory, that he found it necessary to bequeath it to trustees, to be sold for the benefit of his creditors. The exemption, this district enjoyed, from the jurisdiction of the Duke of York, had not contributed to moderate the discontent of the inhabitants of West New Jersey, with his assumed illegal authority. They, incessantly, importuned him for redress, and were, at length, provoked by a tax of five per cent., which Andross imposed, on the importation of European merchandise, to additional vehemence of complaint, and urgency of solicitation. Wearied, at length, with the importunity of these suitors, rather than moved by the justice of their complaint, the Duke referred the subject to commissioners, by whom, it was finally submitted to Sir William Jones.†

The argument, in behalf of the colonists, on this occasion, prepared by William Penn, George Hutchinson, and others, chiefly Quakers, breathes a firm, undaunted spirit of liberty, worthy the founders of a North American commonwealth; and contains traces of those principles, which, subsequently, led the colonies to full emancipation.‡ "Thus then," they say, after a deduction of their title, "we came to buy that moiety, which belonged to Lord Berkeley, for a valuable consideration; and in the conveyance he made us, powers of government are expressly granted; for that, only, could have induced us to buy it: and the reason is plain, because to all prudent men, the government of a place is more inviting than the soil. For what is good land without good laws?—the better the worse. And if we could not assure people, of an easy, and free, and safe government, both with respect to their spiritual and worldly property,—that is, an uninterrupted liberty of conscience, and an inviolable possession of their civil rights and freedoms, by a just and wise government,—a mere wilderness would be no encouragement; for it were madness to leave a free, good, and improved country, to plant in a wilderness, and there adventure many thousands of pounds, to give an absolute title to another person, to tax us at will and pleasure." Stating the tax imposed by Andross, they proceed: "This is one grievance; and for this, we make our application to have speedy redress, not as a burden only, with respect to the quantum or the way of levying it, or any circumstance made hard by the irregularity of the officers, but as a wrong; for

* See Appendix, G. † Grahame's Col. Hist. vol. ii. 344.

‡ This document, found in Smith's History, is unnoticed by Chalmers; and is imperfectly abridged by Winterbotham (vol. ii. p. 287). Grahame (vol. ii. p. 346) admits that Penn concurred in its presentation, and, probably, assisted in its composition; but denies that he was the sole author, as some of his biographers have insisted; supposing this pretension to be refuted, by the style of the document; in which, not the slightest resemblance is discernible, to any of his acknowledged productions.

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we complain of a wrong, done us, and ask, yet, with modesty, *quo jure?* Tell us the title, by what right or law, are we thus used, that may a little mitigate our pain? Your answer, hitherto, hath been this. That it was a conquered country; and that the King, being the conqueror, has power to make laws, raise money, &c.; and that this power *jure regale*, the King hath vested in the Duke; and by that right and sovereignty, the Duke demands that custom we complain of. Natural right and humane prudence, oppose such doctrine all the world over; for what is it, but to say, that people, free by law, under their prince at home, are at his mercy in the plantations abroad; and why? because he is a conqueror there, but still at the hazard of the lives of his own people, and at the cost and charge of the public. We would say more, but choose to let it drop. But our case is better yet; for the King's grant, to the Duke of York, is plainly restrictive to the laws and government of England. Now the constitution and government of England, as we humbly conceive, are so far from countenancing such authority, that it is made a fundamental in our constitution, that the King of England cannot, justly, take his subject's goods without their consent. This needs no more to be proved than a principle; 'tis *jus indigene*, an home-born right, declared to be law by divers statutes."—"To give up the power of making laws, is to change the government, to sell, or rather, to resign, ourselves to the will of another; and that for nothing. For, under favour, we buy nothing of the Duke, if not the right of an undisturbed colonizing, and that, as Englishmen, with no diminution, but expectation of some increase of those freedoms and privileges enjoyed in our own country; for the soil is none of his; 'tis the natives, by the *jus gentium*, the law of nations; and it would be an ill argument to convert them to Christianity, to expel, instead of purchasing them, out of those countries. If then, the country be theirs, it is not the Duke's: he cannot sell it; then what have we bought?"—"To conclude this point, we humbly say, that we have not lost any part of our liberty, by leaving our country; for we leave not our King, nor our government by quitting our soil; but we transmit to a place given by the same King, with express limitation to erect no polity contrary to the same established government, but as near as may be to it; and this variation is allowed, but for the sake of emergencies, and that latitude, bounded by these words, for the good of the adventurer and planter." After this, as they term it, the "point of law" of the case, they proceed to insist upon the equity of it; protesting that the "tax is not to be found in the Duke's conveyances; that it was an after business, a very surprise to the planter."—"This, in plain English, is under another name, paying for the same thing twice over."—"Custom, in all governments in the world, is laid upon trade; but this, upon planting, is unprecedented. Had we brought commodities to these parts to sell, made profit out of them, and returned to the advantage of traders, there had been some colour or pretence for this exaction; but to require and force a custom, from persons, for coming to their property, their own *terra firma*, their habitations; in short, for coming home, is without a parallel. This is paying custom, not for trading, but for landing; not for merchandising, but planting."—"Besides there is no end of this power; for since we are, by this precedent, assessed without any law, and thereby excluded our English right of common assent to taxes; what security have we of any thing we possess? We can call nothing our own, but are tenants at will, not only for the soil, but for all our personal estates. We endure penury, and the sweat of our brows, to improve them, at our own hazard, only. This is to transplant, not from good to better, but from good to bad. This sort of conduct has destroyed government, but never raised one to any true greatness; nor ever will, in the Duke's territories, whilst so many coun-

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tries, equally good, in soil and air, surround, with greater freedom and security. Lastly, the Duke's circumstances, and the people's jealousies, considered, we humbly submit it, if there can be, in their opinion, a greater evidence of a design, to introduce an unlimited government, than both to exact such unterminated tax from English planters, and to continue it, after so many repeated complaints. And on the contrary, if there be any thing so happy to the Duke's present affairs, as the opportunity he has to free that country with his own hands, and to make us all owers of our liberty, to his favour and justice: So will Englishmen, here, know what to hope for, by the justice and kindness he shows to Englishmen there; and all men, to see the just model of his government in New York, to be the scheme and draught in little, of his administration in Old England, at large, if the crown should ever devolve upon his head."

Unpalatable as this argument must have been to the British court, and the counsellors of the Duke, at this period, it was triumphant. The commissioners were constrained to pronounce judgment, in conformity with the opinion of Jones, "that as the grant to Berkeley and Carteret, had reserved no profit or jurisdiction, the legality of the tax could not be defended." The Duke, therefore, without further delay, abandoned all claims on West Jersey, confirming the territory, or soil of the province, in the fullest terms, to William Penn, Gawn Lawry, and Nicholas Lucas, trustees for Byllinge, and to John Eldridge, and Edmund Warner, assignees of Fenwicke, according to their several interests, whilst he conveyed, expressly, the government to Edward Byllinge, his heirs and assigns.* And soon after, he made a like confirmation, in favour of the representatives of his friend, Sir George Carteret.†

The forcible and spirited pleading, we have noticed, derives special interest, from the recollection of the conflict, then waging between the advocates of liberty, and the abettors of arbitrary power. Probably, none of the writings of which that period was, abundantly, prolific, was characterized by a more magnanimous effort, for the preservation of liberty, than this first successful vindication, of the rights of New Jersey. Its most remarkable feature, is the strong and deliberate assertion, that no tax could be justly imposed upon them, without their consent. The report of the commissioners, and the relief that followed, was a virtual concession of this principle, which subsequently triumphed more signally, in the independence of the United States.‡

* Indenture, dated 6th August, 1680.

† 14th March, 1682. Leaming and Spicer's Collection.

‡ The case between the proprietaries and the Duke, relative to the government, is of some complexity; and from inspection of the documents alone, his pretensions have better grounds than his advocates appear to have assumed for him. The charters of Charles II., to him, in addition to a full fee simple estate, in land, contain an express grant of the powers of government; whilst the deeds from the Duke to Berkeley and Carteret, convey a "*tract of land*," specifically bounded, as in the transfer of a private estate. There is not the slightest allusion to the powers of government in them; and the special care taken to give such powers, in the one case, and to omit them in the other, would be a strong argument, that they were not designed to be granted, if such argument were needed, in the total absence of a grant. It certainly never can be maintained, that, a fee simple, in land, carried with it a political power of government. In all cases where this power was intended to be conveyed, apt words were employed, as in the grants to the Duke of York, to Baltimore, and Penn. Berkeley could convey no other right than he possessed, nor did he attempt it, since that is not asserted in the plea of the New Jersey proprietaries.—Nor in the deed, quintipartite of partition, between Carteret, and the grantees of Berkeley, is there any reference to the powers of government. So far, then, the case would seem to be clearly, that the Duke had retained the integrity of his political powers, as granted him by the crown. But against this paper case, there is strong circumstantial evidence. 1. The assumption, and undisputed exercise of political

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IX. But, if we condemn, severely, the tenacious hold of power, on the part of the Duke, how shall we characterize the pretensions of Byllinge, subsequent to the exclusive grant of the government to him? His conduct affords an additional instance of the corrupting force of power, and of human inconsistency. He asserts, as grantee of Berkeley, that he became the participant of political power, even by a deed for lands only; but, when that power was expressly and unequivocally conveyed to himself, he denies the grant of similar power, to his assigns, though he is a party to the "concessions," by which it was clearly conveyed; under the pretence, it would seem, that as such power was not then with him, he could not grant it, and though he had himself, taken the office of governor, by the election of the proprietaries. That his exclusive gubernatorial power might be known and felt, he proposed to remove Jennings, whom he had appointed his deputy, under his delegated powers, in 1679.

X. The proprietaries, in General Assembly of the province, in June, 1683, met this pretension with due firmness and spirit; resolving, that they had purchased the land and government together; that, in their deeds, Byllinge, the grantor, had covenanted, within seven years, to make further assurance of title, and was now bound, as they were, to fulfil his contracts; that the "concessions" were adopted by proprietaries and people, as the foundation of the government of West New Jersey, by which they were resolved to stand; and that "an instrument be drawn up and sent to some trusty friends in London, for Edward Byllinge to sign and seal; whereby, to confirm his first bargain and sale, he made to the freeholders of this province, of land and government together." They further resolved, that upon such confirmation, they were willing to testify their gratitude, as their ability would permit; and should Byllinge visit the province, to show their free and unanimous acceptance, and acknowledgments of his care and diligence in the premises. This subject, it would seem, had been some time under discussion, before the Assembly was wrought to these resolutions; and William Penn had recommended that the people should secure themselves, by the *election* of Jennings, to the office of Governor, and his promise to execute the place, with fidelity and diligence, according to the laws, concessions, and constitutions of the province. This expedient, certainly not flattering to Byllinge, the Assembly adopted, and proclaimed Jennings governor, by virtue of the power vested in six parts in seven, of their body, to alter their constitution; and they bestowed the right to six hundred acres of land, to pay the charges of the office. Upon this occasion, the governor, and all the officers, under the government, signed written engagements, faithfully to perform their duty.*

power, by Berkeley and Carteret, openly promulgated in their concessions. 2. The surrender of the government, by Nicholls, the agent of the Duke, to them, after remonstrance, against such a measure, by that agent. 3. The re-grant of the soil, and the suffrance of the resumption of political power, by the Duke, after the conquest, and reconquest, by the Dutch; and 4th, the continued and unquestioned exercise of such power, by Byllinge, and his assigns, and by Carteret, after partition made. These are facts strangely at variance, with the deeds, and no one can suppose their existence, against an adverse claim, on the part of the heir apparent to the crown. And it is not the least singular part of the case, that whilst the Duke claims a partial political right, that of laying taxes, he suffers undisturbed, the exercise of independent governments, in East and West Jersey. We must, therefore, believe, that there was an implied grant of political power, in the conveyance of the soil, which was too strongly confirmed by more than twenty years enjoyment, to be defeated. Yet, under these circumstances, the ready acquiescence of the Duke, in the award of the commissioners, is extraordinary, when his love of power, and his tyrannical measures, against other colonial governments, are considered.

* See Appendix, H.

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Subsequently, at an Assembly, convened on the 29th of March, 1684, Governor Jennings, and Thomas Budd, were deputed to negotiate this matter, in England; and two hundred pounds were voted for their expenses, which were advanced by governor Penn, then in Philadelphia; for the repayment of which, three thousand acres of land, were appropriated, above the falls of the Delaware. Upon his departure, Jennings nominated Thomas Clive, his deputy, who was duly elected governor, in May, 1684, and May, 1685. These measures, on the part of the Assembly, seem to have been attended with the desired effect. A new charter, the precise nature of which, we are left to conjecture, was given by Byllinge, and deposited by the Assembly, in the custody of Clive and Gardiner, their treasurer, and directed to be recorded. This instrument, probably, restored the government to the footing of the "concessions;" and John Skeine was received as the deputy governor, of Byllinge, although the Assembly had, before, rejected Welsh, who had been appointed to the office. Skeine died in February, 1688.*

XI. Upon the death of Byllinge, in 1687, Dr. Daniel Coxe, of London, already a large proprietary, at the instance of other proprietaries, purchased the interest of Byllinge's heirs, in the soil and government. Soon after, (September 5, 1687) he addressed a letter to the council of proprietors in New Jersey, communicating this matter, and reviving the repudiated claim of Byllinge; declaring, "that the government of the province was legally in him, as that of Pennsylvania in Penn, or East Jersey in the proprietaries; and that he was resolved, by the assistance of Almighty God, to exercise the jurisdiction to him conveyed, with all integrity, faith, fulness, and diligence, for the benefit and welfare of those, over whom, Divine Providence had constituted him superintendent, or chief overseer. But as he confirmed the "concessions," and thereby, in fact, transferred, as Jennings had done, the full right of government, to the proprietors, jointly, his naked assertion of exclusive right, appears to have excited no uneasiness in the province. Smith informs us, that, Coxe received the appointment of governor from the proprietaries, and continued in that station until the year 1690; that, in the interval, Edward Hunloke was, at one time, his deputy; and that a like commission had been sent to John Tatham, who, being a Jacobite, was rejected by the Assembly. In 1691, Dr. Coxe conveyed the government to a company of proprietaries, called the West Jersey Society, in consideration of nine thousand pounds sterling, who, in 1692, appointed Andrew Hamilton governor. This view of the governmental question, has carried us in advance of other portions of our subject, to which we now return.

XII. West Jersey, now filled apace with inhabitants; the greater portion of whom were Quakers. Jennings convened the first Assembly, on 25th November, 1681. This body enacted certain *fundamental constitutions*, and many laws. Pursuing the spirit of the "concessions," they, in the first, provided, for the annual election and meeting of the Assembly; the obligation of the laws by them enacted; the appointment and removal by them, of all officers of trust; that no tax or custom should continue longer than one year; and that no one should be incapable of office, by reason of his faith and worship. They prohibited the governor and council, from enacting laws, laying any tax, sending ambassadors, or making treaties, and from proroguing or dissolving that house; and declared, that, upon Jennings' acceptance of these conditions, they would recognise him as deputy governor. These "constitutions were duly signed by Samuel Jennings, deputy governor, and Thomas Clive, speaker. It would be difficult to find

* The salary of Clive was thirty pounds; of Skeine, thirty bushels of rye, beside his fees.

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any instrument, in representative government, more democratic, or more liberal, in matters of religious faith. Not even belief in the Deity, was necessary to human equality, whilst the constitution of the *state* of New Jersey, excludes from office all who do not profess belief in the faith of some Protestant sect.

Thirty-six acts embraced, and enforced, most of the provisions of the "concessions." Among them, however, was one authorizing the levy of two hundred pounds, "*in coin, or skins, or money*," for defraying public debts and other public charges of the province. For this great sum, "Thomas Budd and Thomas Gardiner, were appointed receivers-general, with power to constitute and appoint all inferior or sub-collectors, or otherwise, for the best and easiest way of raising the amount, throughout the province of West Jersey." Another enacted, that, if any person shall presume to offer affront to the public authority, or any officiating in that capacity, he shall be punished and fined at the discretion of the court—an offence certainly indefinite, and a latitude of punishment, which, in some governments, would have been very alarming. A third, which was, however, soon after repealed, raised the value of the current coin fifty per cent.: a fourth, directed the making of a highway from Burlington to Salem; and two others, appropriated twenty pounds to the governor, and five to the speaker, for their services. But among the most meritorious, was that imposing a heavy penalty upon the sale of strong liquors to the Indians.

At the next session, holden in May, 1682, the Assembly authorized each of the ten proprietaries, to dispose of five hundred acres of land, within their respective tenths, for defraying the public expenses, in such tenth: made the half-pence, coined by one Mark Newbie, a member of council, and called Patrick's half-pence, current coin of the province; with condition, however, that no one should be obliged to receive more than five shillings of it, in one payment: established Burlington and Salem as ports: empowered justices to solemnize marriages on fourteen days notice, and consent of parents: directed ten bushels of corn, necessary apparel, two horses, and one axe, to be given, as freedom dues, to servants: subjected land to the payment of debts; prohibited the imprisonment of debtors, surrendering their estates; and declared the town of Burlington, the chief city of the province.

At the next session, May, 1683, some modification of the fundamental laws was made. The governor and council, were empowered to prepare bills for laws, promulgating them, twenty days, in the most public place of the province, before the meeting of the General Assembly. The governor, council, and Assembly, met together, were declared the General Assembly; who might affirm, or deny, bills so prepared; and of this Assembly, the governor was declared speaker, with a double voice. During the recess of the Assembly, the government of the state, was lodged with the governor and council.

We have already noticed the proceedings of the Assembly, in relation to the claim of Byllinge; beside which, there were no subjects of interest, in the history of the succeeding decade of years. The planters appeared to have pursued, undisturbed, the noiseless tenor of prosperity. Some efforts, however, were made during this period, by the proprietaries of East and West Jersey, for running the line between their provinces. But of this vexed and still unsettled question, we shall treat fully, in our exposition of the land system of the state.

XIII. In 1693, however, the religious toleration, granted by the laws, was somewhat restricted by an act, which, though declaring that conscientious scruples, against taking oaths, should not incapacitate for office, required from the incumbent, a declaration of fidelity to the King, renunciation of popery

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and the following profession *of the Christian faith: I*, A B, *profess faith in* GOD, *the Father, and* JESUS CHRIST *his eternal Son, the true* GOD, *and in the Holy Spirit, one* GOD *blessed for ever more; and do acknowledge the Holy Scriptures of the Old and New Testament, to be given by divine inspiration.**

* Can this be deemed a confession of faith, by Quakers? The question derives great interest from the wide schism, at this time existing in the society of Friends, in which the two parties, alike, claim to hold the original faith; one professing that in the text—the other, belief in the unity of the Deity, the humanity of Christ, with a modified view of divine inspiration in the Scriptures. Upon the true solution of the original faith of the Quakers, much property, and a greater value, (if I may thus express myself,) in sentiment, at this moment depends. It is said, that no formal declaration of the Quaker faith, is to be found in the records of the society; and courts of justice have been compelled to seek it, in the partial, equivocal, and unsatisfactory declarations of esteemed preachers, and polemical writers. The best evidence which the nature of the subject admits, is the formal declaration of faith, by the yearly meeting. But an attempt of this kind was one of the immediate causes of the present division. The next best evidence, would be a declaration of faith, by a body of Quakers, at a period when no division existed, among the sect, and when an attempt to force a declaration of faith upon them, would have been resisted, as firmly, to say the least, as at any time, since the ministry of Fox. Was the Assembly of West New Jersey, of the year 1696, such a body? If it was, their declaration of "*The Christian Faith*," is entitled to profound respect and unlimited confidence; having been made when the zeal of the church was most lively, during the life of many of its distinguished primitive apostles, such as Barclay and Penn, and within seven years after the death of its founder, George Fox. This Assembly consisted of about fifty members. It is perhaps impossible, at this day, to declare that every member was a Quaker. This, however, is probable, since the Quakers composed vastly the greater proportion of the population. It is certain, however, that the majority of the Assembly were Friends, and might, therefore, have arrested the promulgation of this creed. That they would have done so, cannot be doubted, had it not been their faith; for they came to the province, that they might enjoy that faith, without molestation. They had purchased the soil, and the government, that they might live under laws of their own enactment. But this act, had it declared a faith different from that, which the Quakers professed, would have disqualified them from participating in the government, and would have placed them at the mercy of the very few Swedes and Dutch, who were in the province. We are, therefore, constrained to believe, that this statutory confession of faith, was the faith of the Quaker church.—*See Leaming and Spicer's Collection, p.* 514.—*And see the Act, in the Appendix*, I.

The confession of faith set forth in the New Jersey act of 1693, is copied in words, from the English toleration act, passed in 1689, (1 William and Mary). The following account of which, is given by George Whitehead.—*Works, page* 635. "Yet to prevent any such (Friends) from being stumbled or ensnared, by some expressions in the aforesaid profession or creed, (which appeared unscriptural,) in the said Bill, we, instead thereof, did propose and humbly offer, as our own real belief of the Deity of the Father, Son and Holy Ghost;"—the form we have given in the text. "Which declaration," he continues, "John Vaughton and I, delivered to Sir Thomas Clergis, who, with some others, were desirous we should give in such confession, of our Christian belief, that we might not lie under the unjust imputation of being no Christians, and thereby be deprived of the benefit of the intended law, for our religious liberty. We were, therefore, of necessity, put upon offering the said confession, it being, also, our known professed principle, sincerely to confess Christ, the Son of the living God, his divinity, and that he is the eternal Word, and that the Three which bear record in heaven, the Father, the Word, and the Holy Ghost, are one; one divine Being, one God, blessed forever."

In what sense the words of this confession were accepted, by Friends, it would, perhaps, be difficult to say. They were, probably, understood by the framers of the toleration act, to be equivalent to the belief in the Trinity, as expressed by the Church of England. But this sense, if not denied, is certainly not conceded by the Quaker writers, generally, who, in relation to this mysterious subject, express themselves with great mystery, and allege that they take up the doctrine as expressly laid down in the Scripture, and are not warranted in making deductions, however specious. It has been supposed, too, that in framing this confession of faith, an outward conformity to the requisition of Parliament, only, was designed: and that every Friend was at perfect liberty to construe the words of his confession, in such sense as the spirit within him should direct. If so, we have advanced nothing in determining

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XIV. By the deed of partition of July, 1676, Sir George Carteret became seized of East New Jersey, in severalty. By his testament, December 5th, 1678, he named his wife, Elizabeth, his executrix, and guardian of his heir; and devised the province to trustees, to be sold for payment of his debts.* He died in the following year, but his death made no change in the government, which continued to be administered by his brother Philip, until about the end of the year 1681, or beginning of 1682, when he was superseded by the transfer of the province to other proprietaries.

XV. The latter part of his administration, was embittered by the revival of the disputes which had once rendered him a fugitive from his government, and by the unjust and violent assumption of authority, over his province, by the profligate Andross, governor of New York. The pretension of this ready tool of despotism, was sustained by that portion of the inhabitants, who had derived their land titles through governor Nicholls, from the Duke, and who believed that his Grace would render valid their advantageous purchases from the Indians. Andross seems, first, formally, to have disputed the right of Carteret, in March, 1680, when, by proclamation, he claimed the submission of the inhabitants for the Duke of York. Threats of invasion followed; to resist which, Carteret prepared his military force, amounting to one hundred and fifty men. Andross, however, visited Elizabethtown, attended by a civil suite, only, where he ostentatiously displayed the Duke's title, and his own commission; and, utterly disregarding his master's double grant to Sir George Carteret, demanded the recognition of his authority. This being refused, he retired; but soon after, April 31, 1680, despatched a party of soldiers, who rudely dragged Carteret from his bed, and conveyed him, prisoner, to New York, where he was tried, upon the information of the attorney-general, with having riotously and routously, with force of arms, endeavoured to maintain and exercise jurisdiction and government over his Majesty's subjects, within the bounds of his Majesty's letters patent, granted to his Royal Highness. In despite of the efforts of Andross, who presided at the trial, the jury, though several times sent out by him, magnanimously acquitted the prisoner. The court, however, adjudged, that if Carteret returned to New Jersey, he should engage not to assume any authority there.

Andross met an Assembly at Elizabethtown, on the 2d June, 1680, where he again exhibited the documents of his authority, together with a copy of the laws enacted at New York, which he proposed as the rule of action for New Jersey. Although the Assembly were indisposed, or dreaded, to question the authority of the Duke, they were not unregardful of their rights, nor backward in proclaiming them. They replied, "As we are the representatives of the freeholders of this province, we dare not grant his Majesty's letters patent, though under the great seal of England, to be our rule or joint safety; for the great charter of England, alias, *magna charta*, is the only rule, privilege, and joint safety of every free born Englishman. What we have formerly done, we did in obedience to the authority that was then established in this province, and that being done according to law, they needed no confirmation." They declared, also, their expectation, that, the privileges granted them, by virtue of the concessions of Lord Berkeley and Sir George Carteret, would be confirmed to them; and they re-enacted former laws, and demanded their approval.

the faith of Friends, since they have adopted the remainder of the Scriptures, giving to them, in many cases, a meaning widely different from that assigned by Orthodox Christians.

* The trustees were John Earl of Sandwich, John Earl of Bath, Bernard Granville, brother of the latter, Sir Thomas Crew, Sir Thomas Atkins, and his brother, Edward Atkins.

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Complaints against the proceedings of Andros were despatched to England with an appeal to the King. The Duke disavowed the acts of his minion, yet no instructions appear to have been given to rescind them. For, after the departure of Andross, for England, Captain Brochholts, his substitute, maintained his assumption, refusing to recognise the authority of Carteret, until he exhibited a new commission, notwithstanding the Assembly of New Jersey had declared the conduct of Andross illegal. No further forcible effort, however, was made to control the province; the Duke having, in truth, agreed to confirm his former grants with the right of government; and, soon after, by release of this contested power, terminated these troubles.

Disgusted by these contentions, and perceiving that they were not likely to derive either emolument or satisfaction, from their province, the trustees and executrix of Sir George Carteret, offered it for sale to the highest bidder.*

XVI. The sessions of the Assembly, during the administration of Carteret, were commonly holden at Elizabethtown, frequently at Woodbridge, and sometimes at Middletown and Piscataway.† Many laws were enacted during this period, but most of them were local or ephemeral in their character. Those of a more general nature, provided; That, contemners of authority should be punished by fine, or corporal infliction, at the discretion of the court: that males above sixteen, and under sixty, years of age, failing to furnish themselves with arms, should be fined, two shillings per week, for neglect: that, one guilty of arson, should repair the injury done, and in case of inability so to do, be, at the mercy of the court, condemned to death or other corporal punishment: that, murder, false witness, with design to take away life, crimes against nature, witchcraft, *stealing away any mankind*, should be punished by death; burglary or highway robbery, the first offence with burning in the hand, the second in the forehead, and in both cases, with restitution; and the third offence with death: larceny, the first offence by treble restitution; and so the second and third, with such increase of punishment, even unto death, as the court might direct, if the offender were incorrigible; otherwise, and if unable to make restitution, to be sold for satisfaction, or to receive corporal punishment: conspiracies or attacks upon towns or forts, smiting or cursing of parents, unless in self defence, upon complaint of the parent, were also subjected to the penalty of death: rape was punishable with death, or otherwise, severely, at the discretion of the court; fornication, with *marriage*, fine, or corporal punishment; adultery, with divorce, corporal punishment, or banishment, either, or all of them, as circumstances should determine the mind of the judge; night walking and revelling, after nine o'clock, with arrest, and punishment, at the discretion of the court:—That, the members of Assembly should be chosen on the first of January, and their sessions be holden on the first Tuesday in November, annually, or oftener, if the governor and council should deem necessary: that, no marriage should be had without the consent of parent, guardian, or master, as the case might require, unless upon notice, thrice published, at some meeting or kirk, near the parties' abode, or set up in writing, at some public house, for fourteen days previous; nor then, unless solemnized by some approved minister, justice, or chief officer, who was forbidden, under penalty of twenty pounds, and dismission from office, to marry any, who had not fulfilled these requisitions.

XVII. In comparing the laws of East and West Jersey, we are much struck with the difference of the spirit which dictated them. The genius of Calvinism, which rules by terror, and the ever suspended sword, in this and

* Grahame's Col. Hist. vol. ii. 350. See Appendix K.
† The first Assembly was holden 26th May, 1668, at Elizabethtown.

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in the future world, is strongly impressed upon the one, whilst a prudent reserve in naming crimes, and a humane forbearance in their punishment, characterize the other. The ancient lawgivers prescribed no punishment for parricide, deeming the offence impossible;—the Quaker legislators, had no enactment against arson—no prescribed punishment for murder or treason, and other heinous offences; and yet, during four-and-twenty years, of their administration, no instance of such crimes was known within their territories. In East Jersey, there were thirteen classes of offences, against which, the penalty of death was denounced; and amongst these, were simple larcenies, and the impossible crime of witchcraft; whilst in West Jersey, such punishment was unknown to the law. The sentence, and mode of its execution, in cases of treason and murder, were by the "Concessions," committed to the Assembly; but that body never prescribed a general rule, nor had occasion to apply their powers to a special case. The legislators of West Jersey, in injuries of every kind, sought reparation, and the reclamation of the offender. Thus, the spoiler of property was condemned, in all cases, to make a fourfold restitution, and to suffer imprisonment at labour; and the perpetrator of personal injuries, might be pardoned by the sufferer. In all cases, mercy presided over the justice-seat. But in East Jersey, the great object of the law seems to have been vengeance. Like to Draco, the legislator deemed small crimes worthy of death, and could find no severer punishment for the greatest. But, though from the enactments against witchcraft, the progress of intellectual light seemed less in East, than in West Jersey, there was an earnest care for the instruction of the people. This was particularly evident in an act, of 1698, providing, that, the inhabitants of any town might, by warrant from a justice, elect three men to establish and levy a rate for the maintenance of a schoolmaster, payment of which, might be enforced by distress. Upon the whole, we may remark, that, though the legislators of East and West Jersey, drew their principles from the same volume, they were from different sources; the first were oppressed, enslaved, by the vengeful God, who prescribed the Levitical law; the others sought and found, a well regulated freedom, in the merciful monitions of a Redeemer.

In East Jersey there was no law for the public support of religion; yet, every township maintained its church and its minister. The people, by the testimony of the first deputy of the Quaker sovereigns, "were, generally, a sober, professing people, wise in their generation, courteous in their behaviour, and respectful to those in office." And Gawn Lawrie, the second deputy, assures us, "that there was not, in all the province, a poor body, or that wants."* Relying on this view, we might impute the dissentions which had prevailed, to the injudicious conduct of the government. But there is reason to believe, that, the blame of these dissentions is chargeable, in a considerable degree, upon the people. A headstrong and turbulent disposition appears to have prevailed among some classes, at least, of the inhabitants: various riots and disturbances broke forth, even under the new government, and the utmost patience of the rulers, were necessary to govern them. A law, enacted about four years after this period, reprobates the frequent occurrence of quarrels and challenges, and interdicts the inhabitants from wearing swords, pistols, or daggers.†

* "The servants work not so much," says Lawrie, "by a third, as they do in England, and I think, feed much better; for they have beef, pork, bacon, pudding, milk, butter, and good beer and cider to drink. When they are out of their time, they have land for themselves, and generally turn farmers. Servants' wages are not under two shillings a day, besides victuals." S. Smith, p. 117, 181.

† Smith, pp. 162, 163, 169, 171, 175, &c. Grahame's Col. Hist.

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CHAPTER IV.

From the Purchase of East Jersey, by the Quakers, to the Surrender of the two Provinces to the Crown, 1682–1702.—I. Purchase of East Jersey by Penn and his Associates.—They admit others, not Quakers, to participate in the Purchase.—II. Robert Barclay appointed Governor for Life—Scotch Emigrants—Deputy Governors—Foundation of Amboy—Vain Efforts at Commerce.—III. Efforts of James II. to destroy Colonial Charter—Defeated by the Revolution.—IV. Andrew Hamilton, Deputy Governor.—Death of Robert Barclay—Interregnum—Andrew Hamilton, Governor-in-Chief—Superseded by Jeremiah Basse—Re-appointed—Discontent of the Colonists.—V. Attempt of New York to tax the Colony.—VI. Proposition from the English Ministers for the Surrender of the Proprietary Governments—Negotiations relating thereto.—VII. Final and unconditional Surrender—Lord Cornbury appointed Governor—Outline of the new Government.—VIII. Stationary Condition of New Jersey—Causes thereof.—IX. Condition of the Aborigines—Purchases of their Lands—Traditions of their Origin—Tribes most noted in New Jersey—Treaty at Crosswicks—at Burlington and Easton—Final Extinction of Indian Title to the Soil of New Jersey.—X. Review of the Title under the Proprietaries of East Jersey.—XI. Review of Title of Proprietaries of West Jersey.—XII. Of the Partition Line between East and West Jersey.

I. The success of their experiment in West Jersey, encouraged the Quakers of Great Britain, to avail themselves of the opportunity, that was now afforded, in the proposition for the sale of East Jersey, of enlarging the sphere of their enterprise, by the acquisition of that province. In February, 1682, William Penn, with eleven others of his religious faith,* purchased the colony from the devisees of Sir George Carteret. This territory, then, contained about five thousand inhabitants, the great majority of whom were not Quakers. There were populous settlements at Shrewsbury, Middletown, upon the Raritan and Millstone rivers; at Piscataway, Woodbridge, and Elizabethtown; at Newark, and upon the banks of the Passaic and Hackensack rivers; at Bergen, and along the bay and bank of the Hudson. Whether to allay the jealousy, with which, the inhabitants might have regarded a government, wholly composed of men whose principles differed greatly from their own, or for the purpose of fortifying their interest at court, by associating influential men with their enterprise, the twelve purchasers hastened to assume twelve other partners, among whom were the Earl of Perth, Chancellor of Scotland, and Lord Drummond, of Gilston, Secretary of State for that kingdom.† In favour of the twenty-four, the Duke of York executed his third and last grant of East Jersey, 14th March,

* The associates of Penn were Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, and John Hayward.

† The names of the additional twelve, were James, Earl of Perth, Sir George M'Kenzie, John Drummond, Robert Barclay, David Barclay, Robert Gordon, Robert Burnett, Peter Sonmans, James Braine, Gawen Turner, Thomas Nairne, Thomas Cox, and William Dockwra.

† From the dedication of Scott's model of East Jersey, it appears that Viscount Tarbet and Lord M'Leod, two other powerful Scotch nobles, became, shortly after, proprietaries. Sir George M'Kenzie, Lord Advocate of Scotland, whom his cotemporaries justly denominated, the bloody M'Kenzie, was infamously distinguished as a witness for the crown, on the trial of Lord Russell.—*Grahame's Col. Hist.* vol. ii. p. 351. n.

† Grahame's Col. Hist.

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1682, with full powers of government. To facilitate the exercise of their dominion, they, also, obtained from the King, a royal letter, addressed to the governor, council, and inhabitants of the province, stating, the title of the purchasers to the soil and jurisdiction, and requiring due obedience to their government.*

Among the new proprietaries of East Jersey, was the celebrated Robert Barclay, of Urie, a Scottish gentleman, who had been converted to Quakerism, and, in defence of his adopted principles, had published a series of works, which elevated his name, and his cause, in the esteem of all Europe. Admired by scholars and philosophers, for the stretch of his learning, and the strength and subtlety of his understanding, he was endeared to the members of his religious fraternity, by the liveliness of his zeal, the excellence of his character, and the services which his pen had rendered to them. To the King and the Duke of York, he was recommended, not less by his distinguished fame, than by the principles of passive obedience, professed by the sect of which he was leader; and with the royal brothers, as well as with some of the most distinguished of their Scottish favourites and ministers, he maintained a friendly and confidential intercourse. Inexplicable, as to many, such a coalition of uncongenial characters may appear, it seems, at least, as strange a moral phenomenon, to behold Barclay and Penn, the votaries of universal toleration and philanthropy, voluntarily associating, in their labours, for the education and happiness of an infant community, such instruments as Lord Perth, and other abettors of royal tyranny and ecclesiastical persecution, in Scotland.†

II. By the unanimous choice of his colleagues, Robert Barclay was appointed, for life, first governor of East Jersey, under the new proprietary administration, with dispensation from personal residence, and authority to nominate his deputy. The most beneficial event of his presidency, was the emigration of many of his countrymen, the Scotch, to the province; a measure, effected, it is said, with much difficulty and importunity. For, although the great bulk of the nation was suffering the rigours of tyranny, for their resistance to the establishment of prelacy, they were reluctant to seek relief in exile from their native land. The influence of Barclay and other Scotch Quakers, however, co-operated with the severities of Lord Perth, and the other royal ministers, to induce many, particularly, from Aberdeen, the governor's native county, to seek this asylum. In order to instruct the Scotch, more generally, of the condition of the colony, and to invite them to remove thither, an historical and statistical account of it was published, with a preliminary treatise, combatting the prevailing objection to expatriation. This work was, probably, composed, in part, by Barclay; but was ascribed to George Scott, of Pitlochie, and was eminently successful.‡ As a farther recommendation of the province, to the favour of the Scotch, Barclay, subsequently, displaced Lawrie, a Quaker, whom he had appointed deputy, and conferred this office on Lord Neil Campbell, uncle of the Marquis of Argyle, who resided some time in the province as its lieutenant governor.§ The

* Leaming and Spicer's Col. Grahame, vol. ii. p. 351.

† Grahame's Col. Hist. vol. ii. p. 354. See Appendix, L.

‡ It bore the title of The Model of the Government of the Province of East New Jersey, in America, and contains a minute account of the climate, soil, institutions, and settlements of the province. See Appendix, M.

§ Grahame's Col. Hist. vol. ii. p. 358. Oldmixon and Smith concur, in relating that Lord Neil Campbell succeeded Barclay as *governor*. But this seems an error of Oldmixon, which Smith has incautiously copied; for, from a document, preserved by Smith himself, (p. 196) Barclay, in 1688, as governor of East Jersey, subscribed an agreement of partition between it and West Jersey.

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more wealthy of the Scotch emigrants, were noted for bringing with them a great number of servants, and in some instances, for transporting whole families of poor labourers, whom they established on their lands, for a term of years, endowing them with competent stock, and receiving in return, one half of the agricultural produce.

The first Deputy Governor, under Barclay, was Thomas Rudyard, an attorney of London, noted for his assistance at the trial of Penn and Mead, who arrived at his government, early in 1683. He was superseded, however, at the close of the year, by Gawn Lawrie, also of London, who had been one of Byllinge's trustees, for West Jersey. The efforts of Rudyard, of Samuel Groome, who was the surveyor of the proprietaries, and of Lawrie, were strenuously directed to create a city, at Amboy Point; a plan for which, the proprietaries had published, with an invitation to adventurers. They laid the ground out in lots, with out-lots, or small farms, appendant to them, put up houses on account of the proprietaries, in order to entice settlers, and proclaimed the advantages of its situation, in England and America. The town at first called *Ambo*, the Indian name for point, received soon after, the addition of Perth, in honour of the Earl, and was thenceforth known, as Perth Amboy. The endeavours of the proprietaries, in this respect, were crowned with very partial success; nor were their equally earnest efforts to establish foreign trade with their city, more happy. New York possessed, in her more advantageous position, and greater capital, the means of suppressing all rivalry, to which her governors did not hesitate to add force; seizing, in the very port of Amboy, vessels engaged in foreign trade, carrying them to New York, for adjudication, upon alleged breach of commercial regulations.

The new proprietaries do not appear to have deemed any modification of the civil polity of the country necessary. In their description of the province, they commended the concessions of Berkeley and Carteret, and promised to make such additions to them as might be found necessary. Their administration for several years seems to have been satisfactory to the inhabitants; and with some inconsiderable exception, the discord arising from opposing titles, was stilled.

III. But James II., who had now ascended the throne,* had little respect for the engagements of the Duke of York. Nor could his seeming friendship for Barclay, nor the influence of the Earl of Perth, and the other courtier proprietors, deter him from involving New Jersey in the design he had formed of annulling all the charters and constitutions of the American colonies. A real or pretended complaint was preferred to the English court, against the inhabitants of the Jerseys, for evasion of custom-house duties. The ministers, eagerly seizing this pretext, issued writs of *quo warranto*, against both East and West Jersey; and directed the Attorney-General to prosecute them with the greatest possible expedition. The reason assigned for this proceeding, was, the necessity of checking the pretended abuses "in a country, which ought to be more dependent upon his majesty." Aroused by this blow, the proprietaries of East Jersey presented a remonstrance to the King; reminding him, that, they had not received their province as a benevolence, but had purchased it, at the price of many thousand pounds, to which they had been encouraged, by his assurances of protection; that they had already sent thither several hundreds of the people from Scotland; and that, if satisfactory, they would propose to the New Jersey Assembly, to impose the same taxes there, that were paid by the people of New York. They entreated, that if any change should be made in the condition of the

* On the death of Charles II., 6th February, 1685.

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provinces, it might be, by the union of East and West Jersey, to be ruled by a governor, selected by the King from the proprietaries. But James was inexorable, and gave to their remonstrances no other answer, than that he had resolved to unite the Jerseys, New York, and the New England colonies, in one government, dependent upon the crown, and to be administered by Andross. Unable to divert him from his arbitrary purpose, the proprietaries of East Jersey, not only abandoned the contest, for the privileges of their people, but consented to facilitate the execution of the King's designs, as the price of respect, for their interest in the soil. They made a formal surrender of their patent, which being accepted by the King, the proceedings on the *quo warranto* were stayed, with regard both to East and West Jersey.* Seeing no resistance to his will, the King was less intent on consummating his acquisition; and while the grant of the soil to the proprietaries, which was necessary for this purpose, still remained unexecuted, the completion of the design was abruptly intercepted by the British revolution.

IV. Upon the departure of Lord Neil Campbell, from Jersey, after a few months residence only,† Andrew Hamilton, Esq., a respectable Scotch gentleman, became Deputy Governor; which office he continued to exercise, until June, 1689, when, by his return to Europe, it was vacated, and so remained, until his second arrival, in August, 1692. During this interval, there appears to have been no regular government in New Jersey. The peace of the country was preserved, and the prosperity of its inhabitants promoted, by their honesty, sobriety, and industry. In the mean time, Robert Barclay died;‡ having retained the government in chief, during his life. At his death, this power reverted to the proprietaries; who having, by sales and subdivisions of their rights, become too numerous, readily to express their will, some delay occurred in filling the vacancy. In March, 1692, Andrew Hamilton, received the commission of Governor-in-chief; which, the proprietaries were, nevertheless, compelled, very reluctantly, to revoke in March, 1697, in consequence of a late act of parliament, disabling all Scotchmen, from serving in places of public trust and profit, and obliging all colonial proprietors to present their respective governors to the King, for his approbation. In his place, they appointed Jeremiah Basse, who arrived in the province, in May, 1698; but, who, though instructed by the ministers of the King, had not the royal approbation in the form prescribed, nor it seems, the voice of a majority of the proprietaries. These circumstances, added to the hostility borne to the proprietary government, by such of the settlers, as held their lands by adverse title, occasioned disobedience to his authority; to enforce which, he imprisoned some of the most turbulent malcontents. This energetic measure served but to increase the public dissatisfaction; to allay which, Colonel Hamilton was reappointed, notwithstanding the statute, which was now construed, not to extend to the provinces, and without the royal sanction. A new pretence for disobedience was thus afforded, which was immediately seized; and a petition and remonstrance was sent, by the disaffected, to the King, complaining of their grievances, and praying redress. This document betrayed the source of these commotions to be the claims of the proprietors to the exclusive possession of the soil under the Duke of York's grants, their demand of quit-rents, and repudiation of the title alleged to have been derived from Indian grants and the approbation of Colonel Nicholls. The petitioners close their remon-

* April, 1688. Smith, App. 558, &c. Grahame's Col. Hist.

† From 10th Oct. 1686, to March, 1687. MSS. Records, Secretary's Office, Amboy. Smith's Hist. App. 558.

‡ 3d October, 1690.

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strance, with a prayer, that if the rights of government be in the proprietaries, his Majesty would compel them to commission for governor, some one qualified by law, who, as an indifferent judge, might decide the controversies, between the proprietaries and the inhabitants.*

V. To these causes of uneasiness, another was at this period superadded, affecting alike, the proprietaries and the people, in the renewed assumption by New York, of supremacy over New Jersey, manifested in an attempt to levy taxes by law upon that province. This effort, though encouraged by King William, was as unsuccessful as those which had preceded it. The Crown lawyers, to whom the complaint of the Jersey proprietors was referred, reported, that no customs could be imposed on the Jerseys, otherwise, than by *Act of Parliament*, or their own assemblies.†

VI. At length, the proprietaries of East and West Jersey, embarrassed by their own numbers, and by the searching and critical spirit of their people, finding that their seignoral functions tended only to disturb the peace of their territories, and to obstruct their own emoluments from the soil, hearkened to an overture from the English ministers, for the surrender of their gubernatorial power to the Crown. They were further induced to this measure, by the desire to avoid a tedious and expensive lawsuit, with which they were threatened: the Lords of Trade having resolved to controvert their rights of Government by a trial at law, in which they would probably have taken the broad ground, that the King was not competent to subdivide and alienate the sovereign power. The determination of the Lords on this head had prevented the confirmation of the appointment of Col. Hamilton to the office of Governor of East and West Jersey, respectively, and such was the confusion in the provinces, consequent upon this rejection, that many of the proprietaries, whilst professing their readiness to surrender the government upon such terms and conditions as were requisite for the preservation of their properties and civil interests, earnestly prayed that Col. Hamilton might be approved, until the surrender could be effected.‡ But, whilst they seemed to make this approbation almost a condition of their surrender, other proprietaries refused to join in the petition to that effect, though expressing their readiness to yield the government. Under these circumstances, the Lords of Trade, upon consideration, that, the disorders into which the province had fallen were so great, that, the public peace and administration of justice was interrupted and violated, and that no due provision could be made for the public defence, recommended that his Majesty should appoint a Governor by his immediate commission, with such instructions as might be necessary, for the establishment of a regular constitution of government, by a Governor, Council, and General Assembly, and other officers; for securing to the proprietors and inhabitants, their properties, and civil rights; and for preventing the interference of the Colony with the interests of his Majesty's other plantations, as the proprietary governments in America had generally done.

VII. The proprietaries were desirous to annex special conditions to their surrender, which they inserted in several memorials. It was finally, however, made, absolutely and unrestricted, by all parties interested in both provinces, before the privy council, on the 17th of April, 1702; and Queen Anne proceeded forthwith to reunite East and West Jersey into one province, and to commit its government, as well as that of New York, to her kinsman Edward Hyde, Lord Cornbury, grandson of the chancellor, Earl of Clarendon. The commission and instructions which this nobleman received, formed the con-

* Smith's Hist. App. 560. † Grahame's Col. Hist. vol. ii. p. 361.
‡ Smith's N. J. App. No. 12, 13, 14.

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stitution and government of the province, until its declaration of independence. The confidence of the proprietaries in the crown, exemplified by the unconditional surrender, was not misplaced. The greater part of the provisions they were desirous to obtain, were inserted in the instructions, which were submitted to, and approved by, them, before confirmation in council. Indeed, so much regard was paid to their wishes, that they might have nominated the first governor, could they have united on any individual. All the measures preparatory to the surrender, had been completed prior to the death of King William,* but were not perfected until nearly a year after that monarch's death, by his successor Anne.

The new government was composed of the governor, and twelve counsellors, nominated by the crown, and an Assembly, of twenty-four members, to be elected by the people, for an indefinite term, whose sessions were to be holden, alternately, at Perth Amboy, and Burlington.† Five, or in case of necessity, three members of council made a quorum; and they possessed the right to debate and vote on all subjects of public concern brought before them. Their number was neither to be augmented nor diminished, nor any member to be suspended, without sufficient cause, when report was to be made to the commissioners of trade and plantations. The Assembly was constituted of two members from Amboy, two from Burlington, two from Salem, and two from each of the nine counties, into which the whole province was then divided.‡ No person was eligible to the Assembly, who did not possess a freehold in one thousand acres of land, within the division for which he was chosen, or personal estate to the value of five hundred pounds sterling; and the qualification of an elector was a freehold estate in one hundred acres of land, or personal estate to the value of fifty pounds sterling. The house was to be convened by the governor from time to time, as occasion might require, and to be prorogued, or dissolved at his pleasure. The laws enacted by the council and Assembly were subject to the negative of the governor; and when passed by him, were to be immediately transmitted to England, for confirmation or disallowance by the crown. The governor was empowered to suspend members of council from their functions, and to fill vacancies occurring by death; and with consent of this body, to constitute courts of law, but not other than those established, except by royal order; to appoint all civil and military officers, and to employ the forces of the province in hostilities against public enemies: He was commanded to communicate to the Assembly, the royal desire, that, they would provide means, for a competent salary to the governor, to themselves, to the members of councils, and for defraying all other provincial expenses: He was empowered, with advice and consent of council, to regulate salaries and fees of officers, and such as were payable on emergencies: He was directed to have especial care, that God Almighty be devoutly and duly served, the book of common-prayer, as by law established, read each Sunday and holiday, and the sacrament administered, according to the rights of the church of England; that churches already built, should be well and orderly kept; that more should be built, as the colony improved, and that beside, a competent maintenance to be assigned to the minister of each orthodox church, a convenient house should be built at the common charge, for each minister, and a competent proportion of land, granted him for a glebe, and exercise of his industry; and that the parishes be so limited, as should be most convenient for the accomplishment of this good work: He was to permit liberty of conscience to all persons (except papists), so they be contented

* March 8, 1701. † See note N.

‡ Bergen, Essex, Somerset, Middlesex, Monmouth, Burlington, Gloucester, Salem, Cape May.

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with a quiet and peaceable enjoyment thereof, not giving offence or scandal to the government: and he was vested with the right of presentation to all ecclesiastical benefices.

If, on the death or absence of the governor, there were no lieutenant governor commissioned, the eldest counsellor, nominated by the crown, exercised his powers.

Quakers were declared to be eligible to every office, and their affirmation accepted in lieu of oaths.

Due encouragement was directed to be given to merchants, and, particularly, to the Royal African Company, in England, lately established for prosecuting the accursed slave trade, and special care to be taken that they were duly paid for the negroes they should import and vend in the province. Laws were also to be enacted, protecting the slave against inhuman severity, promoting his conversion to Christianity, and punishing his wilful murder, by death.

From the courts of the province, where the value in controversy exceeded one hundred pounds, an appeal lay to the governor in council, excluding such members as might have, previously, sat upon the cause; and where the value exceeded two hundred pounds, the cause might be carried before the privy council in England. And,

Predicating, that great inconveniences might arise by the liberty of printing in the province; no printing press was permitted, nor any book or other matter allowed to be printed, without the license of the governor.

The former proprietaries were confirmed in their rights to the soil and quit-rents, as they had enjoyed them before the surrender, with power to appoint their surveyors, and the exclusive right to purchase lands from the Indians.

The constitution thus framed, gave to New Jersey, a polity similar to that of other royal governments in America; but it fell far short of the uncontrolled political freedom enjoyed under the proprietary concessions. The great and essential principle of political happiness, the popular will, was deprived of its energy, and circumscribed in its action, by the subjugation of the Assembly, in the times of its convention and duration of its sessions, to the pleasure of the governor; and by the double veto of him and the crown upon the laws. The means were thus created, not only of marring the most beneficial measures, when conflicting with the partial interests of the prince or his deputy; but when such measures were indifferent to them, of selling their approbation for selfish considerations. When these consequences of the surrender were felt, and they were not long delayed, the proprietaries and people contended by an ingenious, but alas! by a fallacious reasoning, that, they had reserved, and by the nature of things were entitled to, the privileges of their first and palmy state. Among these privileges, they enumerated, absolute religious freedom; exemption from every species of imposition, not levied by their Assemblies; the establishment of the judiciary by the governor, council, and Assembly; exemption from military duty of those conscientiously scrupulous against bearing arms; the solemnization of marriage, as of other contracts, in presence of disinterested witnesses merely; the determination of all causes, civil and criminal, by jury, and in criminal cases, the right of peremptory challenge, to the number of thirty-five; and the right of the Assembly alone, to enact laws, provided, they were agreeable to the fundamental laws of England, and not repugnant to the concessions. Some of these claims were so entirely incompatible with the right of government, as understood by the crown, that we cannot be surprised that they were disregarded.

VIII. The attractions which the neighbouring province of Pennsylvania,

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presented to the English Quakers, and the cessation, which the British revolution produced, of the severities that had driven so many Protestant dissenters from both England and Scotland, undoubtedly, prevented the population of New Jersey from advancing with the rapidity which its increase, at one period, seemed to promise. Yet, at the close of the seventeenth century, the province is said to have contained twenty thousand inhabitants, of whom, twelve thousand belonged to East, and eight thousand to West, Jersey.* It is more probable, however, that the total population did not exceed fifteen thousand; the great bulk of whom, were Quakers, Presbyterians, and Anabaptists. There were two Church of England ministers in the province, but their followers were not sufficiently numerous and wealthy to provide them with churches. The militia, at this period, amounted to fourteen hundred men. This province, like several others of the continental colonies, witnessed a long subsistence of varieties of national character among its inhabitants. Patriotic attachment and mutual convenience, had, generally, induced the emigrants, from different countries, to settle in distinct bodies, whence their peculiar national manners and customs were preserved. The Swedes appear to have been less tenacious of these, than the Dutch, and to have copied, very early, the manners of the English. The distinction arising too, from the separation of the province into governments and two proprietaryships, was long continued, and is now scarce wholly obliterated. Yet, the inhabitants of the eastern and western territories, were strongly assimilated by the habits of industry and frugality, common to the Dutch, the Scotch, the emigrants from New England, and the Quakers; and the prevalence of these habits, doubtlessly, contributed to maintain tranquillity and harmony among the several races, which were alike distinguished by the steadiness and ardour of their attachment to those liberal principles which had been incorporated with the foundations of political society in the province. Negro slavery was, unhappily, established in New Jersey, though, at what precise period, or by what class of planters it was introduced, cannot now be ascertained. In spite of the royal patronage which this baneful system received, it did not become inextricably rooted. Yet the Quakers, here, as in Pennsylvania, became proprietors of slaves; but they always treated them with humanity; and so early as the year 1696, the Quakers of New Jersey, united with their brethren, in Pennsylvania, in recommending to their own sect, to desist from the employment, or at least from the further importation of slaves.†

The trade of the province was even at this time considerable. Its exports consisted of agricultural produce, among which, mistakenly, we think, *rice* has been enumerated, with which it supplied the West Indian islands; furs, skins, and a little tobacco, for the English market; and oil, fish, and other provisions, which were sent to Spain, Portugal, and the Canary islands.‡ Burlington, at this time, gave promise of becoming a place of considerable trade; and the comfort and neatness of its buildings, are commended by several writers of this era.§ It possessed a thriving manufactory of linen, and woollen cloth, which was soon smothered by the jealous policy of the mother country. In 1695, the governor's salary, in East Jersey, was one hundred and fifty pounds; in West Jersey, two hundred pounds; and those of other officers, at proportionate moderate rates.

* Grahame's Col. Hist vol. ii. 366. Holmes' Ann. vol. ii. p. 45, &c.

† Kalm's Travels, vol. i. and ii. Winterbotham, ii. 279. Warden, vol. ii. 38. Clarkson's History of the Abolition of the Slave Trade, vol. i. 131, 136.

‡ Gab. Thomas' Hist. of West N. J. 13, 33. Oldmixon, i. 141. Blome celebrated the excellence of the New Jersey tobacco.

§ Thomas. Blome, who wrote in 1686.

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IX. Having thus brought our history to the termination of the proprietary governments, it may be proper, before we proceed to a narration of events, under the royal administration, to consider the condition of the aborigines, the manner in which their interest in the soil was extinguished, and the principles adopted by the proprietaries, in disposal of their acquisitions.

The strong are every where masters of the weak. In all ages, and with all people, the power to subdue has been accompanied with the pretension of right. The European, eminently endowed with this power, mentally and physically, over the untutored savage of America, unhesitatingly, appropriated to himself, all that the latter possessed, comprehending his labour and his life. From the first landing of Columbus, at Guannahané, or San Salvador, to the present era, the right by discovery has been the right of conquest. The ambition of princes, stimulated by the most sordid motives, was dignified by the approval of grave and politic counsellors, and sanctified by the fathers of the church, who in the plenitude of spiritual arrogance assumed, to dispose of all countries:—of those inhabited by Christians, because the inhabitants, as members of the church, were subjects of the supreme Pontiff—of other countries, because the church would be advanced by the estates and services of infidels. So long as colonization was prompted by state policy, and was effected by the sword, the rights of the original possessors of the soil, whatever they may have been, were wholly disregarded. The most sacred, most venerated spots, endeared to their inhabitants by the long occupancy of themselves and their ancestors, were seized with the same ruthless indifference, as the untrodden wild; and the fruits of cultivation, with the same license, as the spontaneous productions of nature. All the principles of property, growing out of occupancy and manipulation, which society in its simplest form must recognise, were utterly prostrated, in the subjugation of the newly discovered countries of the West. When, however, these countries were sought, not with the view of increasing regal power, or of gratifying the insatiate longings of avarice, but as an asylum against princely misrule and clerical tyranny, that justice which the colonist would obtain for himself, was in a measure, extended to the owner of the soil he would possess. The emigrant did not, perhaps could not, and ought not, divest himself of the idea of right, acquired by discovery of sparsely peopled land, to participate in the occupancy of an uncultivated soil, with the indigene, who exercised over it the slightest of all species of appropriation, that of occasional hunting upon it. But he recognised in this occupant also, a right impeding that full and separate property which his convenience required, and which his conscience forbade him to extinguish without a colour of compensation. The requisitions of conscience, however, in these cases, were easily appeased. In some instances, perhaps, their very existence may be attributed to the fears caused by the fierce, warlike, and indomitable character of the North American savage. The veriest trifles which could be imposed on the ignorance and vanity of the native were deemed adequate compensation for scores of miles of fertile lands; and such contracts of sale, whose nature was not comprehended by the vendors, were enforced by the vendees with as much confidence in the legality and equity of their title, as if a court of chancery had passed upon the adequacy of the consideration.

It has been erroneously supposed, that, the first instance of purchase from the aborigines of America, was given by William Penn; and modern historians and essayists, delighted to contrast the humanity and justice of his conduct with the violence and devastation of other European agents, have by the inflation of his deeds, obscured and almost hidden the scarce inferior merit of others. The Dutch, Swedes, and Fins on the Delaware, the English in Massachusetts, in New York, and New Jersey, had given examples of this

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just and prudent policy, which Penn gladly followed, but which he dared not reject. He has the merit of conforming to this established practice, with a kindness of spirit and humane consideration, which have made an indelible impression on the Indian race.

Compared with the value of the lands acquired, the sums paid for them were generally inconsiderable; and consisted, but too frequently, of articles of destructive luxury, serving to debase and destroy those who received them. This consideration, small and personal and perishable in its nature, was soon consumed; leaving the vendor, only, vain regrets, which frequently hurried him into imprudent and unjustifiable hostilities. Had it been practicable in the early period of the intercourse between the whites and Indians of North America, to have adopted the annuity system, which has been, in part, pursued by the United States, the Indian race might, possibly, have been improved, enlightened, and preserved.

The Indians inhabiting the country between the great lakes and the Roanoke, belonged, it would seem, either to the *Lenni Lenape*, or the *Mengwe* nations. The former, known among their derivative tribes, also, by the name of the *Wapanachki*, corrupted by the Europeans into *Opennaki*, *Openagi*, *Abenaquis* and *Apenakies*, and among the whites by the name of Delawares, held their principal seats upon the Delaware river, and were acknowledged by near forty tribes as their "grandfathers," or parent stock. They relate, that many centuries ago, their ancestors dwelt far in the western wilds: but emigrating eastwardly, they arrived after many years peregrination, on the *Namæsi Sipu* (Mississippi), or river of fish, where they encountered the *Mengwe*, who had also come from a distant country, and had first approached the river, somewhat nearer its source. The spies of the *Lenape* reported, that the country on the east of the river was inhabited by a powerful nation, dwelling in large towns, erected upon their principal rivers.

This people were tall and robust, some of them were said to be even of gigantic mould. They bore the name of *Alligewi*, from which has been derived, that of the Alleghany river and mountains. Their towns were defended by regular fortifications, vestiges of which are yet apparent, in greater or less preservation. The *Lenape*, requesting permission to establish themselves in the vicinity, were refused; but obtained leave, to pass the river, in order to seek a habitation farther to the eastward. But, whilst crossing the stream, the *Alligewi*, alarmed at their number, assailed and destroyed many who had reached the eastern shore, and threatened a like fate to the remainder, should they attempt the passage. Fired by this treachery, the *Lenape* eagerly accepted a proposition from the *Mengwe*, who had hitherto been spectators of their enterprise, to unite with them, for the conquest of the country. A war of great duration was thus commenced, which was prosecuted with great loss on both sides, and eventuated in the expulsion of the *Alligewi*, who fled from their ancient seats, by way of the Mississippi, never to return. The devastated country was apportioned among the conquerors; the *Mengwe* choosing their residence, in the neighbourhood of the great lakes, and the *Lenape* in the lands of the south.

After some years, during which, the conquerors lived together in much harmony, the hunters of the *Lenape*, crossed the Alleghany mountains, and discovered the great rivers, Susquehanna and Delaware. Exploring the *Sheyichbi* country (New Jersey) they reached the Hudson, to which they, subsequently, gave the name of the *Mahicannittuck* river. Upon their return to their nation, they described the country they had visited, as abounding in game, fruits, fish, and fowl, and destitute of inhabitants. Concluding this to be the home destined for them, by the Great Spirit, the tribe established themselves upon the four great rivers, the Hudson, Delaware, Sus-

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quehanna, and Potomac, making the Delaware, to which they gave the name of the *Lenape wihittuck*, (the river or stream of the Lenape) the centre of their possessions.

They say, however, that all of their nation who crossed the Mississippi, did not reach this country; and that a part remained [illegible] of the *Namæsi Sipu*. They were finally divided into three great bodies; the larger, one-half of the whole, settled on the Atlantic; the other half was separated into two parts; the stronger continued beyond the Mississippi, the other remained on its eastern bank.

Those on the Atlantic were subdivided into three tribes; the Turtle or *Unamis*, the Turkey or *Unalachtgo*, and the Wolf or *Minsi*. The two former inhabited the coast from the Hudson to the Potomac, settling in small bodies, in towns and villages upon the larger streams, under chiefs subordinate to the great council of the nation. The *Minsi*, called by the English, *Muncys*, the most warlike of the three tribes, dwelt in the interior, forming a barrier between their nation and the *Mengwe*. They extended themselves from the Minisink, on the Delaware, where they held their council seat, to the Hudson on the east, to the Susquehanna on the south-west, to the head waters of the Delaware and Susquehanna rivers on the north, and on the south to that range of hills now known, in New Jersey, by the name of the Musconetcong, and by that of Lehigh and Coghnewago, in Pennsylvania.

Many subordinate tribes proceeded from these, who received names either from their places of residence, or from some accidental circumstance, at the time of its occurrence remarkable, but now forgotten.

The *Mengwe* hovered for some time on the borders of the lakes, with their canoes, in readiness to fly should the *Alligewi* return. Having grown bolder, and their numbers increasing, they stretched themselves along the St. Lawrence, and became, on the north, near neighbours to the *Lenape* tribes.

The *Mengwe* and the *Lenape*, in the progress of time, became enemies. The latter represent the former as treacherous and cruel, pursuing, pertinaciously, an insidious and destructive policy towards their more generous neighbours. Dreading the power of the *Lenape*, the *Mengwe* resolved, by involving them in war with their distant tribes, to reduce their strength. They committed murders upon the members of one tribe, and induced the injured party to believe they were perpetrated by another. They stole into the country of the Delawares, surprised them in their hunting parties, slaughtered the hunters, and escaped with the plunder.

Each nation or tribe had a particular mark upon its war clubs, which, placed beside a murdered person, denoted the aggressor. The *Mengwe* perpetrated a murder in the Cherokee country, and left with the dead body, a war club bearing the insignia of the *Lenape*. The Cherokees, in revenge, fell suddenly upon the latter, and commenced a long and bloody war. The treachery of the *Mengwe* was at length discovered, and the Delawares turned upon them with the determination utterly to extirpate them. They were the more strongly induced to take this resolution, as the cannibal propensities of the *Mengwe* had reduced them, in the estimation of the Delawares, below the rank of human beings.*

Hitherto, each tribe of the *Mengwe* had acted under the direction of its particular chiefs; and, although the nation could not control the conduct of its members, it was made responsible for their outrages. Pressed by the *Lenape*, they resolved to form a confederation which might enable them

* The Iroquois or Mengwe sometimes ate the bodies of their prisoners.—*Heckswelder*, ii. N. Y. Hist. Col. 55.

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better to concentrate their force in war, and to regulate their affairs in peace. *Thannawage*, an aged Mohawk, was the projector of this alliance. Under his auspices, five nations, the Mohawks, Oneidas, Onondagoes, Cayugas, and Senecas, formed a species of republic, governed by the united counsels of their aged and experienced chiefs. To these a sixth nation, the Tuscaroras, was added in 1713. This last, originally dwelt in the western parts of North Carolina, but having formed a deep and general conspiracy, to exterminate the whites, were driven from their country, and adopted by the Iroquois confederacy.* The beneficial effects of this system, early displayed themselves. The *Lenape* were checked, and the *Mengwe*, whose warlike disposition soon familiarized them with fire arms, procured from the Dutch, were enabled, at the same time, to contend with them, to resist the French, who now attempted the settlement of Canada, and to extend their conquests over a large portion of the country between the Atlantic and the Mississippi.

But, being pressed hard by their new, they became desirous of reconciliation with their old, enemies; and, for this purpose, if the tradition of the Delawares be credited, they effected one of the most extraordinary strokes of policy which history has recorded.

The mediators between the Indian nations at war, are the women. The men, however weary of the contest, hold it cowardly and disgraceful to seek reconciliation. They deem it inconsistent in a warrior, to speak of peace with bloody weapons in his hands. He must maintain a determined courage, and appear, at all times, as ready and willing to fight as at the commencement of hostilities. With such dispositions, Indian wars would be interminable, if the women did not interfere, and persuade the combatants to bury the hatchet, and make peace with each other.

Their prayers seldom failed of the desired effect. The function of the peace maker was honourable and dignified, and its assumption by a courageous and powerful nation could not be inglorious. This station the *Mengwe* urged upon the *Lenape*. "They had reflected," they said, "upon the state of the Indian race, and were convinced that no means remained to preserve it, unless some magnanimous nation would assume the character of the WOMAN. It could not be given to a weak and contemptible tribe; such would not be listened to: but the *Lenape* and their allies, would at once possess influence and command respect."

The facts upon which these arguments were founded, were known to the Delawares, and, in a moment of blind confidence in the sincerity of the Iroquois, they acceded to the proposition, and assumed the petticoat. The ceremony of the metamorphosis was performed with great rejoicings at Albany, in 1617, in the presence of the Dutch, whom the *Lenape* charge with having conspired with the *Mengwe* for their destruction.

Having thus disarmed the Delawares, the Iroquois assumed over them the rights of protection and command. But, still dreading their strength, they artfully involved them again in war with the Cherokees, promised to fight their battles, led them into an ambush of their foes, and deserted them. The Delawares, at length, comprehended the treachery of their arch enemy, and resolved to resume their arms, and, being still superior in numbers, to crush them. But it was too late. The Europeans were now making their way into the country in every direction, and gave ample employment to the astonished *Lenape*.

The *Mengwe* deny these machinations. They aver, that they conquered the Delawares by force of arms, and made them a subject people. And,

* Smith's New York. Dougl. Summ.

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though it be said, they are unable to detail the circumstances of this conquest, it is more rational to suppose it true, than that a brave, numerous, and warlike nation should have, voluntarily, suffered themselves to be disarmed and enslaved by a shallow artifice; or that, discovering the fraud practised upon them, they should, unresistingly, have submitted to its consequences. This conquest was not an empty acquisition to the *Mengwe*. They claimed dominion over all the lands occupied by the Delawares, and, in many instances, their claims were distinctly acknowledged. Parties of the Five Nations occasionally occupied the *Lenape* country, and wandered over it, at all times, at their pleasure.

Whatever credit may be due to the traditions of the *Lenape*, relative to their migration from the west, there is strong evidence in support of their pretensions to be considered the source, whence a great portion of the Indians of North America was derived. They are acknowledged as the "grandfathers," or the parent stock, of the tribes that inhabited the extensive regions of Canada, from the coast of Labrador to the mouth of the Albany river, which empties into the southernmost part of Hudson's Bay, and from thence to the Lake of the Woods, the northernmost boundary of the United States; and also by those who dwelt in that immense country, stretching from Nova Scotia to the Roanoke, on the sea-coast, and bounded by the Mississippi on the west. All these nations spoke dialects of the *Lenape* language, affording the strongest presumption of their derivation from that stock. The tribes of the *Mengwe*, interspersed throughout this vast region, are, of course, excepted. They were, however, comparatively, few in number.

We have no data by which to determine the number of Indians in New Jersey, at the advent of the Europeans. It is certain that it was very inconsiderable. The tribes were small, and scattered over the country; and consisted then, or soon after, of portions of the *Mengwe* and *Lenape* nations. These petty hordes were commonly distinguished in their intercourse with the whites, by the names of creeks, or other noted places, near which they dwelt. Thus, there were the *Assunpink*,* the *Rankokas*,† the *Mingo*, the *Andastaka;* about Burlington, the *Mantas;*‡ the *Raritans*, the *Navisinks*, &c. The most noted nations, who occasionally inhabited the province, and claimed lands within it, were the *Naraticongs*, on the north side of the Raritan river; the *Capitinasses*, the *Gacheos*, the *Muncys*, or *Minisinks*, the *Pomptons*, the *Senecas*, the *Maquas*, or *Mohawks*, and perhaps others, of the confederates of the Five Nations. These tribes were frequently at war with each other, and the heads of their arrows and javelins, are even now occasionally discovered in the battle-fields; and near the falls of the Delaware, on the Jersey side, and at Point-no-Point, in Pennsylvania, and at other places, entrenchments were made against hostile incursions. At some seasons of the year, the country, on the sea shore was probably more thickly covered by swarms, who crowded from the adjacent provinces to enjoy the pastimes, and partake the plenty of the fishing and fowling seasons. And we may conceive, that they were *Mengwe* warriors, whom Hudson encountered in the Kill-van-Kuhl, and the New York Bay.

From the petty resident tribes, purchases of the soil of New Jersey, were from time to time, made by the Dutch, the Swedes, and the English proprie-

* *Stony Creek.*

† *Lamikas*, or *Chichequas*, was the proper Indian name. The Indians did not use the *r*.

‡ *Frogs.* A creek or two, in Gloucester county, are called *Manta*, or *Mantua*, from a large tribe that resided there. The tribes were probably of the same stock.

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ters of East and West Jersey. Prior to the conquest of New York, by Nicholls, it is probable, that individuals were permitted to purchase from the natives, such tracts of land as they required. Subsequently to that event, a like practice was for a short time permitted, upon the express license and confirmation of the governor. But after the grant to Berkeley and Carteret was proclaimed, no purchase from the Indians, other than by the general proprietors, could be deemed lawful. These proprietors, appear to have conducted themselves, with much equity; and for nearly a century to have maintained, with the remnant of the tribes, great cordiality and friendship.*

When the war of 1756, unbridled the evil passions of the western Indians, some of those who had usually resided in New Jersey, ungratefully, united with the enemy, and probably, in the year 1758, led the way to the massacres of a few families on the Walpack. Upon the first evidences of Indian hostility, the legislature of New Jersey appointed commissioners to examine into the treatment of those who dwelt within their boundaries, with whom a convention was holden, at Crosswicks, in the winter of 1756, and they were invited to unfold whatever grievances they might have. They complained of some impositions, in grants of lands, to individuals, and in their private traffic, particularly, when intoxicated; of the destruction of the deer, by iron traps; and the occupation of some small tracts of land, the title to which, they had not sold. At the session of 1757, the Assembly imposed a penalty on persons selling them strong drink, so as to intoxicate them—prohibited the setting of traps weighing more than three pounds—avoided all sales and leases of land, made in contravention of the laws—and appropriated sixteen hundred pounds, to the purchase of a general release of Indian claims, in New Jersey; one-half to be expended for a settlement, for such Indians as resided south of the Raritan, where they might dwell, and the remainder, to be applied to the purchase of any latent claims of non-residents. At a second convention, holden also at Crosswicks, in February, 1758, the Indians produced a specification of their claims, appointed attorneys, to represent them in future negotiations, and executed a formal release, to all lands in New Jersey, other than those in their schedule, and also to such of those as might have been before conveyed; excepting the claims of the Minisinks and Pomptons, in the northern parts of the province; reserving the right to hunt and fish, on unsettled lands.†

* The last purchase from the Indians, entered in the East Jersey Records, was made by John Willocks, from the Indian Weequehelah, June 16th, 1703, of a tract of land, in Monmouth county.—*Book F.* 221.

† The Indians who retired to the west, had, to one of the messengers, from Pennsylvania, complained of the death of the sachem, Weequehelah; but this was a mere pretence, to colour their attempts with the appearance of justice; as that Indian was known to have been executed for actual murder, and to have had a legal trial. He was an Indian of great note, among Christians and Indians, of the tribe that resided about South river, where he lived, with a taste much above the common rank of Indians, having an extensive farm, cattle, horses and negroes, and raised large crops of wheat; and was so far English in his furniture, as to have a house well provided with feather beds, calico curtains, &c. He frequently dined with governors and great men, and behaved well; but his neighbour, Captain John Leonard, having purchased a cedar swamp of other Indians, to which he laid claim, and Leonard refusing to take it on his right, he resented it highly, and threatened that he would shoot him; which he accordingly took an opportunity of doing, in the spring, 1728, while Leonard was in the day time walking in his garden, or near his own house.—*Smith's New Jersey*, pp. 440–441, n.

The commissioners for treating with the Indians, were Andrew Johnston, and Richard Salter, esquires, of the council; and Charles Read, John Stevens, William Foster, and Jacob Spicer, esquires. The Indians were, Teedyuscung, king of the Delawares; George Hobayock, from the Susquehannah; *Crosswick Indians*, Andrew

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Towards the close of the summer of 1758, and after the inroads on the Walpack, Governor Bernard, through the medium of Teedyuscung, king of the Delawares, summoned the Minisink or Muncy, and the Pompton Indians, who had joined the enemy, to meet him at Burlington. Thither, they despatched deputies, who opened a council, on the 7th of August, 1758, at which a Mingo attended, who, exercising the right of a conqueror, declared, the Muncys to be women, and, consequently, unable to treat for themselves; and proposed to adjourn the conference, to the council fire, about to be lighted at Easton—to which, the governor readily acceded.* The great council holden at this place, in October, 1758, had the general pacification of the Indian tribes, for its chief object. A special conference was, however, had, by Governor Bernard, with the chief of the united nations, the Minisinks, Wapings, and other tribes, on the 18th of that month; when he obtained, in consideration of one thousand dollars, a release of the title of all the Indians, to every portion of New Jersey.

The commissioners, subsequently, with the consent of the Indian attorneys, purchased a tract of more than three thousand acres of land, called "Brotherton," in Burlington county, on Edgepeling creek, a branch of the Atsion river, upon which, there were a cedar swamp, and a saw mill; and adjacent, many thousand acres of poor, uninhabited land, suitable for hunting, and convenient for fishing on the sea shore. This property was vested in trustees, for the use of the Indians, resident south of the Raritan, so that they could neither sell nor lease any part thereof; and all persons, other than Indians, were forbidden to settle thereon. ; Soon after the purchase, they were assisted by the government to remove to this spot, and to erect commodious buildings. In 1765, there were about sixty persons seated here, and twenty more at Weekpink, on a tract secured, by an English right, to the family of King Charles, an Indian sachem. But no measure has yet been devised, to avert the fiat which has gone forth against this devoted race. This feeble remnant having obtained permission to sell their lands, in number between seventy and eighty, removed, in 1802, to a settlement on the Oneida lake, belonging to the Stockbridge Indians, who had invited their "*Grandfathers* to eat of their dish," saying, "it was large enough for both;" and adding, with characteristic earnestness, that, "they had stretched their necks, in looking towards the fire-side of their grandfathers, until they were as long as those of cranes." The united tribes remained here until 1824; when the encroachments of the whites induced them, with the Six Nations, and the Muncys, to quit New Stockbridge, and to purchase from the Menomees, a large tract of land on the Fox river, between Winnebagoe Lake, and Green Bay, and extending to Lake Michigan. In 1832, the New Jersey tribe, reduced to less than forty, applied by memorial, to the Legislature of the State, setting forth, that they had never conveyed their reserved rights of hunting and fishing, on unenclosed lands, and had appointed an agent, to transfer them on receipt of a compensation. This agent, a venerable chief

Wooley, George Wheelwright, Peepey, Joseph Cuish, William Loulax, Gabriel Mitop, Zeb. Conchee, Bill News, John Pembolus; *Mountain Indians*, Moses Totamy, Philip; *Raritan Indian*, Tom Evans; *Ancocus Indians*, Robert Kekott, Jacob Mullis, Samuel Goaling; *Indians from Cranbury*, Thomas Store, Stephen Calvin, John Pompshire, Benjamin Claus, Joseph Wooley, Josiah Store, Isaac Still, James Calvin, Peter Calvin, Dirick Quaquaw, Ebenezar Wooley, Sarah Stores, widow of Quaquahela; *Southern Indians*, Abraham Loques, Isaac Swanelas. John Pompshire, interpreter.

* The degradation of the Delawares, or Lenape, is apparent upon every occasion, on which the Mengwe assemble with them. Benjamin, who on this occasion replied to Governor Bernard, on behalf of the Muncy Indians, held a belt in his hand, but spoke whilst sitting, not being allowed to stand, until the Mingo had spoken.—*Min. of Treaty.—Smith's Hist. N. J.* 450.

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of seventy-one years of age, bore the name of Bartholomew S. Calvin. He had been selected by J. Brainerd, brother of the celebrated Indian missionary, and placed at Princeton College, in 1770; where he continued, until the revolutionary war cut off the funds of the Scotch Missionary Society, by whom he was supported. He afterwards taught school, for a number of years, at Edgepeling, where he had as many white as Indian pupils. As all legal claim of the tribe, was even by its own members, considered barred by voluntary abandonment, the Legislature consented to grant remuneration, as an act of voluntary justice; or rather, as a memorial of kindness and compassion, to the remnant of a once powerful and friendly people, occupants and natives of the State, and as a consummation of a proud fact, in the history of New Jersey, that every Indian claim to her soil, and its franchises had been acquired by fair and voluntary transfer. By the act of 12th of March, the treasurer was directed to pay to the agent, two thousand dollars, upon filing in the secretary's office, a full relinquishment of the rights of his tribe.

In all the measures of the state for the extinction of Indian title, it will be observed that she was moved by principles of justice, humanity, and sound policy. No pecuniary benefit resulted directly to the treasury, as she possessed, in her own right, not a single acre of the soil. This, by every title, legal and equitable, was fully vested in the proprietaries, respectively, of East and West Jersey; and we proceed to consider, concisely, the principles which they adopted for its disposal.

X. By the several "Concessions" of Berkeley and Carteret, and their grantees, the twenty-four general proprietors, lands were given to settlers, masters, and servants, males and females, in designated quantities, subject to an annual quit-rent, and the extinction of the Indian title. This was the common tenure until the 18th January, 1685,* and some few instances occur so late as 1701. Lands thus granted were denominated "*head lands.*"

The mode of the grant was devised with due regard to the ease and safety of the grantees. A warrant signed by the governor and major part of the council, was directed to the surveyor-general, commanding him to survey a specific number of acres. Upon this warrant the surveyor endorsed his return; both were recorded by the register, and upon certificate from the governor and council, he issued a patent, which receiving the signature of the governor and council, was, also, duly registered. A reservation, not ordinarily expressed in the patent, was made of all mines of gold and silver.

There was, however, another source of legal title, to lands in the province, in the Swedish and Dutch authorities; under the latter of which, many tracts were holden in East and West Jersey, accompanied with an Indian title, obtained by the holders. Upon the English conquest, the principle was, immediately, established, that no Indian right could be purchased, except by license from the English proprietors. Thus, that license was required for the Elizabethtown tract, and was given by Colonel Nicholls before, and in ignorance of, the transfer to Berkeley and Carteret. Governor Philip Carteret, also, gave such licenses, but, always subject to the "Concessions," which required the purchaser from the Indians, to take a proper and formal title from the general proprietors. In such case, when the Indian grant covered more than the location of the grantee, he was entitled to contribution from all who were benefitted by it. Thus, when under his license, the Newark settlers procured the Indian release for more lands than they had appropriated to imported heads in 1685, they claimed, and in 1692 received,

* Elizabethtown Bill in Chancery. See ante, p. 26.

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from the council of proprietors, a full indemnity, in the grant of one hundred acres of land more than they were entitled to by the Concessions, for each of the original settlers, at a quit-rent of six-pence sterling the hundred, instead of four shillings and two-pence, per annum.

In the year 1680, governor Andross, after his usurpation of authority in New Jersey, encouraged purchases from the Indians, in derogation of the proprietary rights. But the Duke of York, on complaint, not only disowned the acts of his deputy, but removed him from office. Many of such purchasers, afterwards, took title from the proprietors, in due form; but the danger of the practice, induced an act of Assembly, in 1683, prohibiting all treaties with the Indians, without license from the governor. During the confusion resulting from the rival claims of Mr. Basse and Mr. Hamilton to the government, from 1698 to 1702, this act was disregarded, and purchases were made from the natives. But, in 1703, as soon as the government was resettled, another act annulled them, and required the possessor to take a proprietary title, within six months from its passage. This act, also, prescribed the method by which the proprietaries, themselves, individually, should obtain license to treat with the natives; and imposed a penalty of forty shillings per acre, upon every one who should purchase without license.

We have elsewhere spoken, particularly, of the Elizabethtown purchase.* Many of the claimants under the Indian title, took patents from the proprietors; but others have steadfastly relied upon it, resisting all efforts of the proprietors to recover quit-rent, or locate warrants, and have repeatedly disturbed the public peace by their violence. This pertinacity has been maintained, notwithstanding the only plausible pretence of title, was in the sanction of Governor Nicholls, as the deputy of the Duke of York, given after the right had passed from the Duke to his grantees, and notwithstanding such sanction was formally disavowed by the Duke, 25th November, 1672. This claim purchased for a few pounds, the very payment of which is uncertain, covered 400,000 acres, between the Raritan and Passaic Rivers. Irregular Indian titles were also set up in Middletown and Shrewsbury townships, but were early abandoned; the claimants taking patents from the proprietors, and receiving an indemnity for their expenditure in the grant of 500 acres of land, each. Some of the inhabitants of Newark, also pertinaciously claimed an exclusive right under the Indian grant, refusing to pay quit rents, and playing a conspicuous part in the riots which were, from time to time, excited by efforts to enforce proprietary rights. The adverse claims of the Newark people, were, probably, settled by arbitration and acquiescence.† But although many suits have been brought at law, and a most ably drawn bill, containing the whole case has been filed in chancery, the proprietaries have been unable to obtain an effectual determination of the question arising out of the Elizabethtown pretension. The quit rents throughout East Jersey, are due and demandable; but the lapse of time, and the division of tracts and interests render it impossible to collect them. In one instance, only, that of the quit-rent on the town of Bergen, of £15 sterling, per annum, a commutation after suit brought, has been made between the tenants and proprietors.

For a short period after the purchase of the province, by the twenty-four proprietaries, the grant of bounty or head lands, was continued. The proprietaries soon after their acquisition, sold many small shares, to persons who transported themselves and families into the Eastern division. And they

* See page 27.

† See Appendix note O, for a copy of a letter from David Ogden, esq., 20th February, 1767, and see Phila. Lib. No. 1588, octavo.

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agreed to divide part of the lands remaining in common, among themselves in proportion to their rights. Dividends were thus made from time to time. The first consisted of 10,000 acres to each share, or twenty-fourth part, and to fractions of a share in the same proportion. These dividends were to be located in any place, not before appropriated. And to restrain the locations within proper limits, a number of the proprietaries, resident in New Jersey, convened from time to time with the governor, to examine the rights of the respective claimants, in order to determine what was due to each; and upon a certificate of five of them, the governor issued the proper warrants of survey. This council first met on the 13th November, 1684. In other respects, the mode of location and of obtaining of title, was similar to that pursued by the first proprietaries under their Concessions, except, that in patents to the proprietors, no quit-rents were reserved. This mode continued until after the surrender of the government, and the arrival of the first governor appointed by Queen Anne.

Upon the 2d of December, 1702, two further dividends having been made, a general order was declared, that the surveyor-general should survey to each proprietor his proportion without further particular warrant, by which the duty of inquiry into the rights of each proprietary, and ordering warrants, devolved upon that officer. At the same time, a former regulation was renewed, directing that no survey should be made to any person, whose title was not upon record with the register; who by means of an account opened with each proprietary, could certify the true condition of his share.

The office of register, which was established by the Concessions, and was always in the nomination of the proprietaries, was recognised by Act of Assembly, 21st February, 1692. Upon the surrender of the government to the crown, it was agreed, that the governors to be appointed, should be instructed to procure from the assembly, such acts, whereby the right of the proprietaries to the soil might be confirmed to them, together with such quit-rents as they had reserved, and that the particular estates of all purchasers, claiming under the general proprietaries, should be also confirmed and settled; and he was required not to permit any person, other than such proprietors and their agents, to purchase lands from the Indians. These instructions were regularly continued to the respective governors.

In 1719, the act for running, and ascertaining the division line between East and West Jersey, and other purposes, required, that the surveyor-general of the respective divisions, should keep by themselves, or deputies, a public office in the cities of Perth Amboy and Burlington, respectively, in which should be, carefully, entered and kept, the surveys of all lands, thereafter, made, which should be of record, and pleadable in the courts. Authority was also given to such officers, respectively, to collect, and preserve all muniments of title, which might be of general use for proving the rights of the proprietaries, or persons claiming under them; and the officers were required to give bond to the governor for the use of the proprietors, in the sum of one thousand pounds, conditioned for the faithful performance of their duties.

As the practice which now universally prevailed, of the proprietaries or their vendees laying their warrants wherever they could, or supposed they could, find vacant lands, and as the surveys were not regularly recorded, many persons not only surveyed lands which had been formally appropriated, but even settled and improved them, and were afterwards ousted. For remedy of this grievance, the same act provided, that all surveys theretofore made, the certificates of which were in the hands of any of the inhabitants of this or the neighbouring province, which were not within two years, and such certificates as were in the hands of persons living beyond seas, which were not within three years, after the publication of the act, duly recorded, either in the recorder's

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office, or in the surveyor-general's record of the division, in which such lands were surveyed, should be void; and any succeeding survey duly made and recorded, should be as good and sufficient, as if no former survey had been made.

After the surrender of the government, by which the governor ceased to be an officer of the proprietaries, no more patents could be made under the seal of the province. The proprietaries of East Jersey, observing that those of West Jersey had never used that method for appropriating their dividends, but had made all their divisions by warrants from their council of proprietaries, after inspection of the right of the claimant and survey thereon made and certified by their surveyor-general and recorded, resolved to adopt the same form of obtaining their dividends in severalty. And this mode, since 1703, has continued to prevail in both East and West Jersey.

The council of proprietaries of East Jersey, having devolved their principal duties on the surveyor-general, they, after the surrender, ceased to meet, unless on special occasions. But finding this inattention prejudicial to their interests, a majority of the general proprietors, their attorneys, and agents, by an instrument, dated the 25th day of March, 1725, agreed, that, a certain number therein mentioned, having, in their own right, or by proxy, eight whole proprietaries, should make a council, with power to appoint the receiver of the quit-rents, the register, and the surveyor-general, declare dividends, examine claims, grant warrants of survey, and, generally, to do all things requisite for the management of proprietary affairs. The council commonly held two stated meetings, annually, at Perth Amboy, and convened, also, when specially required. From 1725, to the present period, it has continued to administer the affairs of the proprietaries of East Jersey, without intermission.*

The whole number of dividends, made by the proprietaries of East Jersey, are eleven of "*good right*," and three of "*pine right*," the first, amounting to thirty-eight thousand, and the second, four thousand, acres to each share. A very great portion of these rights have been located, but the stock is not yet exhausted. In Monmouth there is much vacant land, but it is not valuable; in the northern counties, Sussex, Bergen, and Morris, there is little unappropriated; but in Middlesex, Somerset, and Essex, there is none unlocated.†

XI. Soon after the purchase by the West Jersey proprietaries, they resolved to divide their territory into ten parts or precincts, and the whole into one hundred shares or actions. To this end, chapter first of the Concessions, provided, that the commissioners, for the time being, "should take care for the setting forth and dividing all the lands of the province, as were already taken up, or by themselves shall be taken up and contracted for, with the natives, and the said lands to divide into one hundred parts, as occasion shall require; that is to say, for every quantity of land that they shall, from time to time, lay out to be planted and settled on, they shall first, for expedition sake, divide the same into ten equal parts or shares; and, for distinction sake, mark in the register, and upon some of the trees, belonging to every tenth part, the letters A B, and so end at the letter K." The

* Mr. John Rutherfurd is now, or was lately, its president, and James Parker, Esq. the register. To the latter gentleman I express my obligation, for the readiness and kindness, with which he has communicated much information relative to the eastern land office, and other subjects of general interest. Its first president was Lewis Morris, afterwards governor.

† Proprietary rights of East Jersey have sold, since 1797, generally, at about one dollar the acre, wholesale—sometimes higher, if scarce, before a dividend. The retail price has been about one dollar and fifty cents the acre. The value in 1834, is stated at one dollar, or seventy-five cents per the acre, in large quantities.

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commissioners were then instructed to give preference to certain individuals of the county of York,* for themselves and friends, who were described, "as a considerable number of people, who might speedily promote the planting of the said province," in the choice of any one of such tenths. Afterwards, any other person or persons, who should go over to inhabit, and have purchased to the number of ten proprietaries, should have liberty to make choice of any of the remaining parts: and all other proprietaries who should go over to settle, and could make up amongst them the number of ten proprietors, might elect to settle in any tenth, not before appropriated. The commissioners were empowered to see such tenth part, so chosen, laid out and divided into ten proprietaries, and to allot the settlers so many proprietaries out of the same, as they had order for. And the commissioners were instructed to follow these rules, until they should receive contrary directions from the major part of the proprietors.

To encourage the settlement of the province, the proprietaries of West Jersey, also, adopted the plan of granting head lands, as in East Jersey, with some modification, of the conditions. Thus—1. To all persons, who, with the consent of one or more of the proprietaries, should transport themselves or servants to the province, before the 1st April, 1677, there were granted, for his own person and for every able man servant, each, seventy acres; and for every weaker servant, male or female, exceeding the age of fourteen years, fifty acres; and to every servant, when free, fifty acres in fee: 2. To masters and able servants, arriving before the 1st of April, 1678, fifty acres, and to such weaker servants, thirty acres; and to servants, after the expiration of their service, thirty acres: 3. To every freeman, arriving in the province between the 1st of April, 1678, and the 1st of April, 1679, with an intention to plant, forty acres; for every able man servant the like quantity, and for such weaker servant, twenty acres; with twenty acres to each servant at the expiration of service: Upon lands of the first class, there was reserved an annual quit-rent to the proprietor, his heirs and assigns, to whom the said lands belonged, of one penny an acre for what should be laid out in towns, and a half-penny an acre, for what should be laid elsewhere; the rent to commence two years after the lands were laid out: upon lands of the second class, one penny farthing, the acre, when in towns, and three farthings the acre, elsewhere: and on lands of the third class, one penny half-penny the acre, in towns, and one penny the acre, elsewhere.

Lands so granted and settled, were to be holden, on condition, that every hundred acres should contain, at least, two able men servants, or three such weaker servants, and so proportionately, for a lesser or greater quantity, beside what the master or mistress should possess, as granted for his or her own person. On failure of which, on notice to the occupant or his assigns, three years time was given for completing the number of servants, or for the sale of such portion of the lands, as should not be so peopled. And, if, within such three years, the holder should fail to provide such number of persons, (unless the General Assembly, without respect to poverty, should judge it to have been impossible, to keep such number of servants), the commissioners, upon verdict and judgment of a jury of the neighbourhood, were empowered to dispose of so much land, for any term not exceeding twenty years, as should not be planted with the due number of persons, to some other, that would plant the same; reserving to the proprietor his rents. It was further provided, that every proprietor, who should go over in person, and inhabit, should maintain upon every lot he should take up, one person

* Thomas Hutchinson of Beverly, Thomas Pearson of Benwicke, Joseph Holmesly of Great Kelke, George Hutchinson of Sheffield, and Mahlon Stacy of Hemsworth.

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for every two hundred acres. "And all other proprietors, that do *but** go over in person and inhabit, should keep upon every lot of land that should fall to them, one person at least, and if the lot exceed one hundred acres, then, upon every hundred acres, one person. And upon neglect, the commissioners were empowered to dispose of the lands, as in the preceding case. This obligation for keeping servants upon lands was to continue in force for ten years, from the date of the Concessions; unless where, in case of default, the commissioners had let the lands for a longer period.

For the regular laying out of lands, the register having recorded a grant from a proprietor, for any quantity of acres, made out a certificate to the surveyor, or his deputy, enjoining him, to survey such quantity, from the share of such proprietor; which done, the surveyor returned the survey to the register, and such return was duly registered in a book kept for that purpose, and an endorsement of the entry was made on the back of the warrant.

The commissioners elected by the Assembly, in 1681, prescribed additional rules for the settlement of lands; by which, the surveyor was required to measure the front of the river Delaware, beginning at Assunpink Creek, and proceeding thence, to Cape May, that the point of the compass might be found, for running the partition line between each tenth. Each tenth was to have its proportion of front, on the river, and to run so far back into the woods, as to give it 64,000 acres for first settlement, and for subdividing the Yorkshire and London two-tenths: Three thousand two hundred acres, were allowed, where the parties concerned pleased to choose it, within their own tenth, to be taken up in the following manner; one-eighth part of a proprietary, and so for smaller parts, to have their full proportion of the said land, in one place (if they pleased); and greater shares, not to exceed five hundred acres, to one settlement. All lands, so taken up and surveyed, were to be seated within six months, after being taken up; upon penalty, that the choice and survey should become void; in which case, they might be taken up by any other purchaser, he seating them, within one month after they should be taken up: No person was permitted to take up lands on both sides of a creek, for one settlement, unless for special cause: Nor to have more than forty perches front, to the river or navigable creek, for every hundred acres, except it fell upon a point, so that it could not be avoided—when the commissioners might exercise their discretion: All lands were to be laid out, on straight lines, that no vacancies should be left between tracts, except in special cases, to be determined by the commissioners: All persons were allowed their just proportion of meadow, at the discretion of the same officers: Persons already settled, were at liberty to make their settlements their choice, following the rules prescribed: Every proprietor was allowed four hundred acres to his proprietary, and proportionably to lesser quantities, for town lot; over the 3200 above mentioned, which might be taken any where within his own tenth, either within or without the town bounds: No person having taken up a town lot, was permitted to leave it, and take a lot elsewhere; nor could any one take up more land within the town bounds, than belonged to his town lot, by virtue of his purchase: No person, not a purchaser, to whom town lot, or lots, were given, was permitted to sell his lot of land, separate from his house, on penalty of the sale being void, and the lot forfeited to the town of Burlington, to be disposed of therein, at the discretion of the commissioners: No person, thenceforth, was permitted, to take up any land without special order, from two or more

* The word *but* here is found in Learning and Spicer's Collection, and in Smith's History. *Sed quere* whether the word "*not*" ought not to be substituted.

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commissioners for the time being: All settlements were to be modified conformably with the preceding rules: The proprietors in England, were to be notified, that it was necessary for the speedy settlement of the province, and all concerned therein, that there should be allowed to each proprietary 3200 acres, for the first choice (*first dividend*); and in case of the arrival of many adventurers, who purchased no land in England, the commissioners reserved the liberty to take up as much more land, as should give to every proprietor, a quantity not exceeding 5200 acres, which had been allowed for the first settlement (dividend). But that no one should take up any such portion of land, but as they should settle it; and after the 3200 should have been settled: All public high-ways were to be laid out at the discretion of the commissioners, through any lands, allowing the owners reasonable satisfaction: All persons having taken up lands within the first and second tenth, were required to present their muniments of title, to certain of the commissioners, for inspection; and persons thereafter taking up lands, within such tenth, were required to declare, before such commissioners, upon the pains of perjury, that the quantity specified in their respective deeds, did really, and in good conscience, belong to them; upon which such commissioners might grant a warrant to the surveyor, enjoining him to return such warrant and survey, at the next court, after survey, that the same might be registered by order of the court: The proprietors and purchasers, within the first and second tenths, had liberty to take their full proportions, as before, within mentioned, of the first and second choice, provided they did not, respectively, take up more than five hundred acres, in one settlement.

By the subdivision of the proprietys, it soon became difficult to ascertain the sense of those interested; and great detriment arising to the business of the province, it was resolved by the proprietors, on the 14th of February, 1687, to constitute a proprietary council, consisting of eleven commissioners, to be annually elected, from among themselves; which number was in the subsequent year reduced to nine. These commissioners were empowered to act and plead in all such affairs, as should concern the body of the proprietors, as fully and effectually as if every proprietor were present; and two shillings per day were allowed them as a compensation. In November, 1688, the commissioners gave the following instructions relative to the examination of deeds, and granting of warrants, for taking up of lands. 1. That no warrants should be granted, but upon the production of good deeds, authentic copies, or an extract of the record of such deed, under the register's hand. 2. That the deeds signed by Edward Byllinge, only, before the year 1682, were insufficient to sustain warrants. 3. That there should be a particular warrant, for every separate deed or particular purchase. 4. That the president of the council should, from time to time, grant warrants for the commissioners for the taking up their own lands. 5. That warrants, for laying out the lands of the surveyor-general, should not be directed to him, but to some other person, at the discretion of the commissioner, issuing the warrant. 6. That every proprietor demanding a warrant, should engage to pay his proportionate share of expense of the management of the proprietary affairs.

Under this council, the land affairs of West Jersey have been administered, to the present day. The right to head lands, as we have seen, ceased after the first of April, 1678. From that period, all titles were derived from individual proprietors. Dividends were declared from time to time, and carried to the credit of each proprietor, who was then at liberty to locate, or to sell unlocated, the quantity appropriated to his share, wherever it could be found unsurveyed.

XII. The boundary between East and West Jersey, though of no political importance, was long a vexed, and still continues an unsettled question. The

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line of partition was geographically fixed by the quintipartite deed, between the proprietors, of the first of July, 1676, confirmed by Act of Assembly, 27th March, 1719. But some difficulties occurred, subsequently, in making the partition, to the understanding of which, we must take a review of the titles of the respective proprietors.

The patent from Charles I. to the Duke of York, conveyed all the country now within the states of New York and New Jersey. The deed from the Duke to Berkeley and Carteret, extended New Jersey, "northward as far as the northernmost branch of the bay, or river Delaware, which is in 41° 40′ of latitude, and from thence in a straight line to Hudson's river in 41° of latitude." Lord Berkeley conveyed his undivided moiety in fee to Fenwicke, in trust for Byllinge, and Fenwicke conveyed such moiety to Penn, Lawrie and Lucas, reserving a tenth to himself, which tenth he subsequently assigned to Eldridge and Warner, who conveyed it to Penn, Lawrie, and Lucas, the better to enable them, in conjunction with Byllinge, to make partition of the entire province with Sir George Carteret. These parties by the quintipartite deed, after expressly declaring, that, the province extended northward, as far as the northernmost branch of the river Delaware, which is in 41° 40′ latitude, determine that the line of partition shall be a straight line drawn from the most northerly point or boundary on the Delaware, to the most southerly point of the East side of Little Egg Harbour. The confirmation of the Duke of York, (6th August, 1680,) to the West Jersey proprietor, and his confirmation, (14th March, 1682), to the twenty-four East Jersey proprietors, recognise the northern boundary as above described, and referring to the quintipartite deed, give the limits accordingly.

As the country became populous, much uneasiness was excited by sundry fruitless attempts for running the partition line, and the uncertainty relative to the point at which the designated latitude would fall. For remedy whereof, the Act of Assembly of 1719 was passed. This, after recognizing the quintipartite deed, and prescribing that a straight and direct line from the most northerly point of New Jersey, on the northernmost branch of the river Delaware, to the most southerly point of a beach on Egg Harbour, should be the division line, appoints commissioners to run the line and provides, that, which ever board of proprietors had appropriated lands of the other, should give an equivalent of lands, in satisfaction, and that the then settlers should be quieted.

Pursuant to this act, and another for establishing the boundary line with the province of New York, Governor Hunter commissioned John Johnstone, and George Willocks of the eastern division, Joseph Kirkbride, and John Reading of the western division, and James Alexander, surveyor-general of both divisions, in conjunction with commissiouers from New York, to discover and determine which of the streams of Delaware is the northernmost branch thereof, and also the place on such branch that lies in latitude 41° 40′. These commissioners together with Robert Walter and Isaac Hicks commissioners, and Allain Jarrat surveyor on the part of New York, after designating the Fishkill branch, and fixing the point of latitude in the low land, in the Indian town called Cosheghton, on the east side of the river, executed an indenture tripartite, certifying the above result of their labours. After which, the West Jersey commissioners retired, protesting that their business was completed.

The northern station point thus fixed, appears to have been recognised and acquiesced in by both parties; yet the division line was not run for many years. But random lines were made along the whole distance of the extreme points, that the true line might be marked with the greater certainty and ease; and such lines served to regulate future surveys.

The assigns of Carteret and Berkeley were respectively entitled to a

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moiety of the province, and unacquainted with the true geography of the country, they imagined that the line given in the quintipartite deed, would nearly effect their intentions; and the idea of equality of partition seems to have prevailed, until about the year 1687, when its propriety was questioned by Dr. Daniel Coxe. Under this idea, in the year 1686 an agreement was made between Robert Barclay, and the proprietors of East Jersey, and Edward Byllinge, and the proprietors of West Jersey, for running the partition line, so as to give "as equal a division of the province" as was practicable. Pursuant to which, Lord Neil Campbell, Governor, and captain Andrew Hamilton, and John Campbell of East Jersey, and John Skene, deputy governor, and Samuel Jennings and others of West Jersey, all of whom were proprietors of their respective divisions, entered into bonds, to stand to the award of John Reed and William Emley, who were appointed to determine the line, and who directed that it should run from Little Egg Harbour, N. N. W. and fifty minutes more westerly, which was more than twelve degrees westward of the quintipartite line; and was so altered, because the umpires as well as the parties to the bonds, were better acquainted with the quantity of land in each division, than the parties to the quintipartite deed. The line so awarded, was actually run in the year 1687, by George Keith, surveyor-general of East Jersey, from the south station point, to the south branch of the Raritan; and now forms the straight line, which in part, bounds the counties of Burlington, Monmouth, Middlesex, Somerset, and Hunterdon. This line was deemed by the West Jersey proprietors to be too far west, and was not continued.

On September 5, 1688, Governors Coxe and Barclay, entered into an agreement for terminating all differences concerning the deed of partition; stipulating that the line run by Keith, to the south branch of the Raritan, should be the bounds, so far, between the provinces, and directing the route by which that line should be continued for perfecting the division.* But this agreement was never carried into effect.

Subsequent to the determination of the north station point, in 1719, several ineffectual attempts were made by the parties to ascertain the line. At length, John Hamilton, and Andrew Johnstone, commissioners under the Act of 1719, (the latter named in 1740), at the request of the eastern proprietors, in the year 1743, appointed John Lawrence to run the line, pursuant to the act of Assembly; which was, accordingly, done in September and October of that year. And this line, the East Jersey proprietors allege, has been frequently recognised by the West Jersey proprietors, particularly, by the issue of warrants of relocation from the year 1745, to 1765, for lands which were found to be east of this line; by directions given to survey and return for the use of the proprietors of the fifth dividend, the gore, or angle formed by Keith's and Lawrence's lines; by numerous surveys inspected, approved and ordered to be recorded, which are bounded by Lawrence's line; and by other acts of acquiescence, entered upon their minutes. To this line of Lawrence, the East Jersey proprietors still firmly adhere.

The division line between the provinces of New York and New Jersey, remained long unsettled, by reason that the latitude of forty-one degrees on Hudson's river, was not ascertained. From the zealous and violent pretensions of the border inhabitants in the respective provinces, such disorders arose, as to demand the interposition of their respective Legislatures; and in 1764, acts were passed in both provinces, referring the subject to the King. His Majesty appointed seven commissioners, who, meeting at New York on the 18th July, 1769, determined that, the boundary should be a straight

* See Smith's Hist. N. J. pp. 197, 198.

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and direct line, not from the station point in latitude 41° 40', as fixed by the commission of 1719, *but from the mouth of the Mackhackamack, at its junction with the Delaware*, in latitude 41° 21' 37", to the latitude of 41° on Hudson's river. The controversy with New York, then, and subsequently to the year 1719, was deemed, only, to affect the property of the proprietors of East Jersey,—the Legislature rejecting their application to defray any portion of the expense of settling the boundary line; and the West Jersey proprietors refusing to join in their request; alleging that their stations were already fixed, and must remain.

The alteration of the boundary on the Delaware is supposed to have been produced by corrupt influence over the commissioners; who were all crown officers, and by the change, took from the proprietary government of New Jersey, and gave to the royal government of New York, large tracts of land, to be granted at its pleasure. The effect of the change was to take from the East Jersey proprietors, near two hundred thousand acres, and to produce a new discussion relative to the partition between East and West Jersey.

The new station point, at the confluence of the Mackhackamack with the Delaware, now *the most northerly point or boundary of the province, on the northernmost branch of the river Delaware*, with a line thence to the station point, at Little Egg Harbour, would make a gore or angle with Lawrence's line, near ten miles wide in the northern part, narrowing in proportion as it approached the point of contact, and containing about four hundred thousand acres. On the 25th of January, 1775, the West Jersey proprietors assuming, that, the new northern station point, was the true northerly boundary of the province, from which the partition line should commence, and altogether losing sight of the words of the quintipartite deed and its dependencies, which assigned the point on the river, in latitude 41° 40' as the station point, petitioned the legislature to pass a law for the final settlement of the said line, either in aid of the act of 1719, or by the appointment of commissioners, out of the neighbouring province, for that purpose. This petition was referred to the succeeding Legislature. On the first of December following, Daniel Coxe, president of the board of western proprietors, requested leave, on their behalf, to bring in a bill for the appointment of commissioners for the same purpose, suggesting the acquiescence of the eastern proprietors to the mode proposed, (which acquiescence the eastern proprietors deny). Leave was granted; but the public commotions, which soon after took place, prevented the execution of the measure. In October, 1782, the application to the Legislature was renewed, stating the object of the western proprietors to be, "a recompense in value of lands, from the general stock of the eastern proprietors; for which purpose," they say, "they understand and believe, it is generally known, that, certain lands, called Ramapoch, belonging to the general stock of the eastern proprietors, and specially excepted in all the warrants of the eastern proprietors, were particularly allotted as an equivalent, in case the event should take place, which hath since happened, of the station point being fixed farther eastward than was formerly expected." This allegation respecting the Ramapoch lands, the eastern proprietors, scouted as too void of truth and foundation to need comment; and resisting the application to the Assembly, contended, that the subject was a private dispute between individuals, which should be decided by the courts of law or equity. The application of the western proprietors was rejected by the Assembly, on a vote of twenty-one to eleven.

Lawrence's line is now acquiesced in, by the greater part of northern Jersey; but is yet disputed in Monmouth county, and in the region of the pines, where, under West Jersey rights, great destruction of timber is com-

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mitted. These rights are sought; having, hitherto, been sold at a much less price than those of East Jersey. The line run by Lawrence, in Sussex county, forms the boundary between Byram and Greene, Newton and Greene, and Stillwater, and between Walpack and Sandistone townships; crossing the Delaware into Pennsylvania, about fifteen miles below the present northernmost point of the state, it strikes the Delaware again, in the state of New York, near thirty miles north of the mouth of the Mackhackamack.*

* The authorities on which the foregoing statement is made, are—1. The several deeds cited:—2. The Act of Assembly, 1719:—3. The petitions of the respective parties in 1782:—4. The minutes in the land offices of East and West Jersey:—5. Smith's History; and—6. Circular of West Jersey proprietors, in 1795. The following statistical view is appended to the petition of the East Jersey proprietors, 1782.

1. The angle or gore of land which East Jersey lost in the controversy with New York, amounts to about 210,000 acres. The remaining quantity of land in New Jersey, being the whole amount of the state, is about 4,375,970 acres.

2. Therefore supposing a line was drawn, dividing the state into two equal half parts, and which would be the line of partition between East and West Jersey, each division would then contain about 2,187,985 acres.

3. Supposing Keith's line extended to Delaware river, to be the line of partition between East and West Jersey, the quantity of land in East Jersey would, then, be about 2,214,930 acres: the quantity in West Jersey 2,161,040 acres. And East Jersey would, then, contain 53,890 acres more than West Jersey.

4. Supposing Lawrence's line to be the line of partition, the quantity of land in West Jersey would, then, be about 2,689,680 acres: the quantity in East Jersey, 1,686,290 acres. And West Jersey would, then, contain 1,003,390 acres more than East Jersey.

5. Supposing a line to be drawn from the Mackhackamack, to the line of partition, the quantity of land in West Jersey would, then, be about 3,119,260 acres: the quantity in East Jersey, 1,256,710 acres. And West Jersey would, then, contain 1,862,550 acres more than East Jersey.

6. The angle or gore of land, between Keith's and Lawrence's line, contains about 528,640 acres. The angle or gore between Lawrence's line, and a line to be drawn from the Mackhackamack would contain about 429,580 acres.

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CHAPTER V.

Comprising the Administration of Lord Cornbury. I. Arrival of Lord Cornbury—Demands a large and permanent Salary—being refused, dissolves the House.—II. A new Assembly chosen—Part of its Members arbitrarily excluded—Measures of the Governor.—III. Third Assembly convened—Determines to Petition the Queen, and to Remonstrate with the Governor—Public Grievances—Delivery of the Remonstrance, by Samuel Jennings.—IV. Reply of the Governor.—V. Dispute on the Treasurer's Accounts.—VI. The Governor refuses the Message of the Assembly, which they enter upon their Minutes.—VII. The West Jersey Proprietors, in England, address a Memorial to the Commissioners of Trade and Plantations, against Cornbury—Address of the Lieutenant-Governor, and Provincial Council, to the Queen.—VIII. The Governor unable to obtain the gratification of his wishes, by the Assembly, first prorogues, and then dissolves them.—IX. Offensive Conduct of Lord Cornbury, in his Government of New York—His Character.—X. Is reluctantly removed by Queen Anne—Imprisoned by his Creditors.

I. Lord Cornbury arrived in New Jersey, in August, 1703, and met the General Assembly, at Amboy, on the 10th of the succeeding November. The House prepared several bills, but passed, at this session, only, the act prohibiting the purchase of land from the Indians, by any person except the proprietaries. At the next session, holden at Burlington, in September, 1704, his lordship recommended to the Legislature, to ascertain by law, the rights of the general proprietors to the soil, and to establish some permanent fund, for the support of the government. A French privateer having committed depredations about Sandy Hook, he, thence, took occasion, also, to require a militia law, and the erection of a watch-tower, on the Nevisink Hills. All these measures were beset with difficulties. The people had been accustomed to pay, as they still are, small salaries to their officers, and were little disposed to gratify the wishes of his lordship, in this respect. Those who claimed lands under Indian grants, and held adversely to the proprietaries, resisted the attempt of the latter to confirm their rights. And every military effort was repugnant to the consciences of a large portion of the inhabitants. After a dilatory discussion of these embarrassing topics, the House proposed a revenue of thirteen hundred pounds, per annum, to endure for three years. But this sum, being far short of the governor's expectation, he requiring two thousand pounds, per annum, for a term of twenty years, was indignantly rejected; and in the hope of procuring an Assembly, more complaisant, he dissolved the present, and hastily commanded the election of another House.

II. The people, who, in the very wantonness of freedom, had involved themselves in contentious strife, discovered that they had exchanged king Log for king Stork. The precipitate and arbitrary measure of the governor was executed in the spirit with which it was conceived. By corrupt efforts, a House was obtained, with a large proportion, but not a majority, of the members devoted to the governor. To obtain the entire control of this body, his lordship resolved, by the advice of his counsellors, to exclude a portion of its members, under the false pretence, that they were not qualified by the requisite quantity of estate. As the representatives appeared before the governor to take the prescribed oaths, without which, they could not exercise their offices, he refused to administer them to Thomas Gardiner, Thomas Lambert, and Joshua Wright, distinguished delegates from West

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Jersey, by whose exclusion, he obtained a majority of one, in the House. John Fretwell, of Burlington, was chosen speaker, by the casting vote of the clerk, who, though nominated by the governor, was admitted by the Assembly, to use the faculty of a member.

The House, thus constituted, complimented his excellency, on conducting the affairs of his government, "with great diligence, and exquisite management, to the admiration of his friends, and the envy of his enemies;" and granted him a revenue for the support of government, of two thousand pounds, for two years; six hundred of which, were given to the lieutenant-governor, Colonel Ingoldsby. Several other acts were passed, among which, we find one of amnesty, for offences during the late unsettled state of the province, and another establishing a militia, which, by its unnecessary severity, gave much disquiet to the Quakers; but no effort was made to confirm the proprietary estates. Having obtained all that he immediately required, the governor adjourned the House, in December, to the succeeding year, with many encomiums on its conduct.

At the next session, however, his power over it had ceased. The rejected members, after eleven month's exclusion, were admitted to their seats; the governor having been forced, by very shame, to recognise their qualification; which the title deeds of their estates had long before confirmed, to every dispassionate inquirer. But the most interesting object of his lordship, had been obtained by the settlement of the revenue, and he was content that the existing House should continue, though he could entertain little hope of service from it, either to himself or the province. It convened again in November, 1705, and October, 1706, but did no business at either session.*

III. When the term of the revenue had expired, the convocation of the Assembly was indispensable for its renewal; but it was impracticable, by any means, to procure another House like to the last. Few of the members of that, which met at Burlington on the 5th of April, 1707, were favourably disposed to the governor. Its most active leaders, Samuel Jennings, the speaker, and Lewis Morris, who had been twice expelled the council, for his resistance to the governor's measures, were among the most respectable and influential inhabitants of the province, intimately acquainted with its interests, and altogether adequate to sustain them. The House, therefore, soon after it met, resolved itself into a committee of the whole, with a clerk of its own appointment, to consider of the public grievances; of which it determined to complain, by petition to the Queen, and remonstrance to the governor.*

In the latter, prepared, most probably, by Morris, they express their regret, that, instead of granting to the governor the revenue required from them, it became their duty, to lay before him the unhappy circumstances of the province, which they attributed, in some measure, to his long and frequent absence from his government. They then proceeded to allege—That, he had obstructed the course of justice, by suspending, for years, the execution of the sentence of death, pronounced against some women, convicted of murder; and that this delay "was not only a very great charge, but that the blood of the innocents cried aloud for vengeance—and just heaven would not fail to pour it down upon their already miserable country, if the guilty were not made to suffer according to their demerits: That, in criminal cases, the accused were condemned to the payment of costs, even when no bill was found: That, the sole office for the probate of wills, together with the secretary's office, were holden at Burlington, to the great inconvenience of the inhabitants, who dwelt in the remoter parts of the province: That patents

* Smith's New Jersey, 281. See Appendix, F.

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for the exclusive carriage of goods, on the road from Burlington to Amboy, had been granted for a term of years, contrary to the statute of 21 Jac. 1, against monopolies: That fees had been established without the authority of the General Assembly: And that the governor had put the records of the eastern division of the province into the hands of one, the pretended agent of the proprietors,* who did not reside in the province. Some of these grievances were certainly of a character to rouse public indignation, whilst others were, probably, more the result of circumstances, which would have been removed by the Legislative power, as they were offered for consideration.

But there were other grievances, which the Assembly deemed of higher nature, and attended with worse consequences. Such were—the prohibition to the council of proprietors, to issue warrants for land in West Jersey, and other unauthorised interferences with proprietary rights—the exclusion of the three members from the last House—and the corruption of the governor in receiving large sums of money for the dissolution of the first Assembly, in order that no act should be passed to compel the payment of proprietary quit-rents, and to obtain such officers as the contributors should approve. "This House," continues the remonstrance, "has great reason to believe, that the money so gathered, was given to Lord Cornbury, and did induce him to dissolve the then Assembly, and by his own authority to keep three members out of the next Assembly, and put so many mean and mercenary men in office; by which corrupt practice, men of the best estates are severely harassed, her Majesty's good subjects in this province, so impoverished, that they are not able to give that support to her Majesty's government, as is desired, or as they would be otherwise inclined to:—And we cannot but be very uneasy, when we find by these new methods of government, our liberties and properties so much shaken, that no man can say he is master of either, but holds as tenant by courtesy and at will, and may be stripped of them at pleasure. Liberty is too valuable a thing to be easily parted with, and when such mean inducements procure such violent endeavours to tear it from us, we must take leave to say, they have neither heads, hearts, nor souls, that are not moved by the miseries of their country, and are not forward with their utmost power, lawfully to redress them."

"We conclude by advising the governor to consider what it is, that principally engages the affections of a people, and he will find no other artifice needful, than to let them be unmolested in the enjoyment of what belongs to them of right; and a wise man that despiseth not his own happiness, will earnestly labour to regain their love."

This free and unceremonious remonstrance lost nothing of its force, in the delivery by speaker Jennings. In vain did his lordship attempt to awe his constant and spirited temper, by assumed airs of greatness, and by repeated interruption, with the cry of *stop! what's that?* as the most offensive passages were read to him. Jennings, with an affectation of deep humility, whenever interrupted, calmly desired leave to read the passages again; to all of which, he gave additional emphasis, so that the second reading was greatly more offensive than the first.†

IV. The indignation of the governor, at this remonstrance, is strongly pourtrayed, in a long circumstantial, but not very successful, reply; in which he denied the truth of some of its charges, and sought to justify the others. On the dread, expressed by the house, of divine vengeance for punishments delayed,

* Peter Sonmans.

† When the House had retired, Cornbury, with some emotion, says the historian Smith, told those with him, that Jennings had impudence enough to face the devil.

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he remarked; "I am of opinion, that nothing has hindered the vengeance of just heaven, from falling upon this province long ago, but the infinite mercy, goodness, long-suffering, and forbearance of Almighty God, who has been abundantly provoked by the repeated crying sins of a perverse generation among us; and more especially, by the dangerous and abominable doctrines, and the wicked lives and practices of a number of people; some of whom, under the pretended name of Christians, have dared to deny the very essence and being of the Saviour of the world." The practice of extorting fees from the accused against whom no bill was found, he defended on the ground of established custom; admitting, however, that if the juries of the country were such as they ought to be, a different rule might be proper.

"But," he continues, "we find from woeful experience, that there are many men, who have been admitted to serve upon grand and special juries, who have convinced the world, that they have no regard for the oaths they take; especially among a sort of people, who, under a pretence of conscience, refuse to take an oath: and yet, who, under the cloak of a very solemn affirmation, dare to commit the greatest enormities, especially, if it be to serve a "friend," as they call him; these are the designing men, and the vindictive tempers of which all the Queen's good subjects ought to beware, and be protected from; and these are the crying sins which will undoubtedly draw down the vengeance of just heaven upon this province and people, if not timely and seriously repented of."

In considering the more heinous charge of corruption, the truth of which he peremptorily denies, his lordship demands; "who would not, after such assertions, expect to see the governor proved guilty, either of treason or betraying the trust reposed in him, by the Queen, by depriving the subjects of their lives, their estates, or their properties; or, at least, denying them justice, and perverting the laws to their oppression? These, or the like crimes, manifestly proved, are the only things that can justify men in the accusing a governor of corrupt practice, and of shaking the liberties and properties of the people. But if none of these things can be proven, but on the contrary, it does appear plainly, that no one act of severity, much less of injustice or oppression, has been done, since the government of this province come under the Queen, but there has been an impartial, just, and equal administration of justice observed throughout the whole course of my government, and that many acts of mercy have been extended to persons who deserved to be severely punished; then what sort of creatures must these bold accusers appear to be, in the eyes of all impartial and judicious men? That these are truths beyond all contradiction, and which all the people of this province know, I do challenge you, and every one of you, to prove to the contrary. And though, I know very well, that there are several unquiet spirits, in the province, who will never be content to live quiet, under any government, but their own; and not long under that neither, as appears by their methods of proceeding, when the government was in the hands of the proprietaries, when many of these very men, who are now the remonstrancers, were in authority, and used the most arbitrary and illegal methods of proceeding, over their fellow subjects, that were ever heard of; yet, I am satisfied, there are very few men in the province, except Samuel Jennings and Lewis Morris, men known, neither to have good principles, nor good morals, who have ventured to accuse a governor of such crimes, without any proof to make out their accusation; but they are capable of any thing but good."

V. New fuel was added to this flame, already unextinguishable, by a dispute relative to the accounts of Peter Fauconier, the provincial treasurer. In the examination of which the House found several objectionable items, paid upon the governor's order, merely, and without vouchers, which the treasurer re-

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fused to render without the governor's commands. Upon application for these, his lordship replied, that, he had already ordered them; therein exceeding his powers; inasmuch as the Lord High Treasurer had appointed an auditor-general, for the province, who had deputed one to settle the accounts of the provincial treasurer; he being responsible only to the Lord High Treasurer. His lordship proffered to explain any articles with which the Assembly were dissatisfied; but this, they very properly, declined, as they would have sanctioned the preposterous claim of irresponsibility of the provincial treasurer to a provincial Assembly, for the funds of the province, and would have placed them still more at the mercy of their extortionate rulers.

VI. In the temper which now prevailed among the officers of the state, there was no prospect of joint and beneficial labours; and the governor, probably, dreading a caustic rejoinder to his reply, prorogued the House on the 16th, to meet in the following September, at Amboy. A subsequent order convened them in October, when they resolved to answer the governor's replication, and to raise no money unless their grievances were redressed; in which case, they proposed to grant, for the support of government, fifteen hundred pounds. On the 28th, they informed the governor, that having seen his reply in print, they were disposed to answer it, and requested to know, when they might present their rejoinder. He promised to receive them in due time; but having waited for his message until next day, and then concluding that he purposed to elude their request, they sent a committee with their message, which, he refusing to receive, they caused to be entered on their journal.

In this address the House reiterated and amplified their former complaints, and spared no opportunity to give to his excellency the retort courteous. From the following examples, the reader will, probably, agree with us, that, their shafts were keen, if not polished. "It is," say they, "the General Assembly of the province of New Jersey, that complains, and not the Quakers, with whose persons (considered as Quakers) or meetings we have nothing to do; nor are we concerned in what your excellency says against them; they, perhaps, will think themselves obliged to vindicate their meetings, from the aspersions which your excellency, so liberally, bestows upon them, and evince to the world how void of rashness and inconsideration your excellency's expressions are, and how becoming it is, for the governor of a province, to enter the lists of controversy, with a people who thought themselves entitled to his protection, in the enjoyment of their religious liberties; those of them who are members of this House have begged leave, in behalf of themselves and their friends, to tell the governor they must answer him in the words of Nehemiah to Sanballat, contained in the eighth verse of the sixth chapter of Nehemiah; viz. *There is no such things done as thou sayest, but thou feignest them out of thine own heart.*"

In reply to the governor's boast, of the purity of his administration, they ask, "are not his Majesty's loyal subjects hauled to gaols, and there lie without being admitted to bail? And those that are," they continue, "is not the condition of the recognizances, that, if your excellency approves not of their being bailed, they shall return to their prisons? Are not several of her Majesty's good subjects forced to abscond, and leave their habitations, being threatened with imprisonment, and having no hopes of receiving the benefit of the law, when your excellency's absolute will is the sole measure of it? Has not one minister of the Church of England, been dragged by a sheriff, from Burlington to Amboy, and there kept in custody, without assigning any reason for it, and at last hauled by force into a boat, by your excellency, and transported, like a malefactor, into another government, and there kept in a

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garrison, a prisoner; and no reason assigned for it, but your excellency's pleasure? Has not another minister of the Church of England been laid under the necessity of leaving the province, from the reasonable apprehension of the same treatment? Is any order of men, either sacred or civil, secure in their lives, their liberties, or estates? Where these procedures will end, God only knows."

"If these, and what we have named before, be acts of mercy, gentleness, and good nature—if this be the administering laws, for the protection and preservation of her majesty's subjects, then have we been the most mistaken men in the world, and have had the falsest notion of things;—calling that cruelty, oppression and injustice, which is their direct opposite, and those things, slavery, imprisonments, and hardships, which are freedom, liberty, and ease; and must henceforth take France, Denmark, the Muscovian, Ottoman, and Eastern empires, to be the best models of gentle and happy government."

VII. Beside these measures of resistance, in the province, to the usurped authority and irregular proceedings of the governor, the West Jersey proprietors, residing in England, addressed a memorial condemnatory of his conduct, to the lords commissioners of trade and plantations; in which, they exposed at length, the evils resulting from his interference with their lands. The governor sought to repel these attacks, by an address, from the lieutenant-governor, and his council, to the Queen. After partially stating the dissentions in the province, they added, "We are now obliged humbly to represent to your majesty, the true cause; which, we conceive, may lead to the remedy of these confusions."

"The first, is owing to the turbulent, factious, uneasy, and disloyal principles of two men in the Assembly, Mr. Lewis Morris, and Samuel Jennings, a Quaker; men notoriously known to be uneasy under all government—men never known to be consistent with themselves—men to whom all the factions and confusions in the government of New Jersey and Pennsylvania, for many years, are wholly owing—men that have had the confidence to declare, in open council, that your majesty's instructions to your governors, in these provinces, shall not oblige or bind them, nor will they be concluded by them, further than they are warranted by the law, of which, also, they will be the judges; and this is done by them, (as we have all the reason in the world to believe,) to encourage, not only this government, but also the rest of your governments in America, to throw off your majesty's royal prerogative, and, consequently, to involve all your dominions, in this part of the world, and the honest, good, and well-meaning people in them, in confusion; hoping, thereby, to obtain their wicked purposes.

"The remedy for all these evils, we most humbly purpose, is—that your majesty will most graciously please to discountenance those wicked, designing men, and show some dislike to this Assembly's proceedings; who are resolved, neither to support this your majesty's government, by a revenue, nor take care to defend it, by settling a militia. The last libel, called 'The Reply, &c.' came out so suddenly, that as yet, we have not had time to answer it in all its particulars; but do assure your majesty, it is for the most part, false in fact; and in that part of it which carries any face of truth, they have been malicious and unjust in not mentioning the whole truth; which would have fully justified my Lord Cornbury's just conduct."*

It might be questionable at the present day, whether the lieutenant-governor, and his council, did not design to betray the cause they seemed to defend, when they charged it as a crime upon the citizens of a government

* See Appendix, Q., for names of Council.

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of laws, that they preferred the laws, as they understood them, to the instructions of the Queen, and would obey the latter, so far only, as they were consistent with the former. But we have, here, only, an additional instance of the subserviency, which the love of power and place, every where produces. It is the law of society, if not of nature, that men should strengthen the hand that feeds them. And ordinary men, like the beast of the stall, lick the hand that fattens them, even for the shambles. The dispenser of official favours, whether he be a prince or a president, will always find minions, ever ready to maintain his prerogative above the law, and we are, therefore, not surprised, that such hoped for protection, from a daughter of James the Second.

VIII. Two days after Lord Cornbury had refused to receive the Address of the Assembly, he prorogued that body, to the spring of the ensuing year; and thus avoided the necessity of a defence, which he found difficult to sustain. The house met in Burlington, on the 5th of May, 1708; and in the illness of Jennings, their former speaker, named Thomas Gordon to that office.* The governor addressed them with the customary speech; to which, they replied, by repetition of former grievances, and recounting of new ones. Perceiving that nothing could be obtained, without the abandonment of the ground he had taken, he adjourned them, until September, to meet at Amboy; and in the interval, dissolved them.

IX. In his government of New York, the conduct of Lord Cornbury was, if possible, more offensive to the people, than in New Jersey; and had been productive of like results, universal dissatisfaction of the people, and entire suspension of legislative action. His character is described as a compound of bigotry and intolerance, rapacity and prodigality, voluptuousness, and cruelty, and the loftiest arrogance, with the meanest chicane. Whether from real difference in sentiment, or from a policy, which in those days was not uncommon, whilst his father adhered to James, the son attached himself to king William, and was among the first officers who deserted to him, on his landing at Torbay. Having dissipated his substance in riot and debauchery, and being obliged to fly from his creditors, in England, he obtained from his patron, the government of New York, which was confirmed by his kinswoman, Queen Anne, who added the government of New Jersey. He first excited the odium of the people of the former province, by the intolerance he exercised against the Presbyterians, and every other religious sect, except the protestant Episcopalians. Though the great body of the inhabitants, including the principal families of the province, were of the former persuasion, he prohibited their ministers from preaching without a license from himself; implying, that they officiated not of right, but by his indulgence. He, in one instance, fraudulently seized upon their church property, and delivered it to the Episcopal party; in another, he indicted two ministers from Virginia, who preached without license, for a misdemeanor; but his malice was defeated, by the independence of the jury, who refused to convict. In every part of the province, he tendered his assistance to the Episcopalians, to possess them of the churches, which other sects had built. Happily, his conduct in other departments of his government, by uniting all parties against him, soon deprived him of the power of instigating one portion of society to harass or oppress the rest. Not content with the liberal grants which the Assembly had made him, for his private use, he embezzled large sums appropriated to the erection of public works; and unable to subsist on his lawful emoluments, even with the addition of enormous pillage, he contracted debts, with every tradesman who would trust him, and set his

* See Appendix, R.

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creditors at defiance, by means of his official station. The Assembly proposed, in vain, to establish a body of functionaries, to control the public expenditure, and to account to themselves; and, with as little success, did they transmit remonstrances, against him, to the Queen.* The only immediate result of the latter, was some private instructions to the governor. The proposition, to control the public disbursements, was rejected; and, when they insisted on a scrutiny of his accounts, he warned them not to provoke him, to exert "certain powers entrusted to him by the Queen, and to trouble him less about the rights of the House; as the House possessed no rights, other than the grace and good pleasure of her Majesty, suffered it to enjoy." By such declaration, and a line of policy strictly conformable therewith, he alienated all his adherents; and when he dissolved one Assembly, for its attention to the public interest, he was unable to convoke another of different character. At length the Assemblies refused to vote the smallest supply for the public service, until he should account for all his past receipts and applications of public money, and perform the impossible condition of refunding the sums he had embezzled. His dissolute habits and ignoble tastes and manners, completed and embittered the disgust with which he was, now, universally regarded; and when he was seen rambling abroad in the dress of a woman, the people beheld with indignation and shame, the representative of their sovereign and ruler of their country.†

X. At length Queen Anne was compelled, in the year 1709, by the reiterated and unanimous complaints of New York and New Jersey, to supersede his commission. No sooner was he deprived of office than his creditors threw him into prison. And thus degraded from an honourable station, by his public crimes, and deprived of liberty by his private vice and dishonesty, this kinsman of his Queen, remained a prisoner, for debt, in the province he had governed, till the death of his father, elevating him to the peerage, entitled him to liberation. He then returned to Europe, and died in the year 1723.‡

* See Appendix, S., for resolutions of the Assembly of New York.

† Grahame's Col. Hist. vol. ii. 302. Smith's New York.

‡ Smith's New York, 144, 145, 146, 164. Grahame's Col. Hist. 306. Biograph. Brit.

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CHAPTER VI.

Comprising Events from the Removal of Lord Cornbury to the Close of the Administration of Governor Hunter—1709-1719.—I. Lord Cornbury succeeded by Lord Lovelace—His conciliatory Address to the Assembly.—II. Ready disposition of the House to provide for the Support of Government—Change in the Constitution of the Assembly—Assembly obtain a Copy of the Address of the Lieutenant Governor and Council, to the Queen, in favour of Lord Cornbury—Demand a hearing for their Defence before the Governor.—III. Death of Lord Lovelace and Accession of Lieutenant Governor Ingoldsby.—IV. Promptitude of the Province to aid in reducing the French Possessions in North America.—V. Failure of the Expedition, and renewed Efforts of the Colonists to revive it—Visit of the Chiefs of the Five Nations to England.—VI. Capture of Port Royal, &c. by Colonel Nicholson and the American Forces.—VII. Governor Ingoldsby removed—Government administered by William Pinhorne as President of Council—succeeded by Governor Hunter.—VIII. Biographical Notice of Governor Hunter.—IX. Meets the Assembly, which prefers Charges against Members of Council.—X. Expulsion of a Member of the House for his Conduct in Council—Address to the Queen.—XI. Bills proposed for the relief of the Quakers defeated by the Council.—XII. New Efforts for the Conquest of the French Provinces—Unfortunate Result.—XIII. Continued quiet of the Province.—XIV. Division of the Assembly.—XV. Governor Hunter returns to Europe—Testimonials in his favour by New Jersey and New York—Exchanges his Commission with William Burnet.

I. Lord Cornbury was succeeded in his governments of New York and New Jersey, by John, Lord Lovelace, Baron of Hurley, who met the council of the latter province, at Bergen, December 20th, 1708, and a new Assembly, at Perth Amboy, in the following spring.

The principles which directed his administration, were the converse of those of his predecessor. He had more confidence in the melting power of kindness and respect, than in that of haughtiness and reserve; in the influence of justice and frankness, than in force and fraud, to bend the people to his wishes. His address to the House was full of conciliation. He assured them, "that he would not give them any just cause of uneasiness under his administration, and hoped they would bear with one another; and that past differences and animosities would be buried in oblivion, and the peace and welfare of the country, only, would be pursued by each individual." On the subject of the support of government and the establishment of a militia, the contrast is striking between his course and that of the infatuated Cornbury. Instead of peremptorily demanding a large and fixed annual sum, payable for a long period; he observed, that "her Majesty would not be burdensome to her people; but there being an absolute necessity, that government be supported, he was directed to recommend that matter to their consideration; that they knew best what the province could conveniently raise for its support, and the easiest methods of raising it; that the making a law for putting the militia on a better footing than it at present stood, with as much ease to the people as possible, required their consideration; that he should always be ready to give his assent to whatever laws they found necessary for promoting religion and virtue, for the encouragement of trade and industry, and discouragement of vice and profaneness, and for any other matter or thing, relating to the good of the province."

II. These liberal and favourable sentiments were reciprocated by the House; they passed a bill, appropriating a sum exceeding seventeen hundred pounds, for the support of government; an act for settling the militia of the province; an act for the encouragement of the post-office; and

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an act for explaining grants and patents, for land, in the eastern division of the province. They, also, availed themselves of the present opportunity of changing the constitution of the General Assembly, giving to it a more aristocratical essence, than it received from the royal instructions. The latter required, that, the House should consist of two members elected by the *householders and inhabitants* of the towns of Amboy, Burlington, and Salem, respectively, and five members, chosen by the freeholders of the respective counties. The Assembly now directed that the electors, in all cases, should be *freeholders*, and that two members should be chosen for each of the above mentioned towns, and two for each county, and that the members should be freeholders of that division, for which they were, respectively, elected. The freehold required for the elector and representative, was that specified in the instructions, and the House was made the judge of the qualification of its members. This change was induced by the proprietaries; to whom it was a matter of obvious and deep interest, that, every inhabitant should be an owner of land.

The Assembly obtained from the governor, a copy of the address which the lieutenant governor and council had made to the Queen in favour of Lord Cornbury; and engaged him to hear their defence of the charges against them, in presence of the addressors, but the latter contrived, for a season, to elude the inquiry.

III. The prospect which the province now had of a happy administration, in which the interests of the people were duly consulted, and the officers of government, liberally and satisfactorily maintained, were content with the emoluments the law conferred, was unhappily obscured by the sudden death of their popular governor, in a few days after the passage of the above-mentioned laws, and the devolvement of his power upon the lieutenant governor Ingoldsby.

IV. This officer, pursuant to his instruction from the ministers of the Queen, laid before the Assembly their demand for aid, in an attack upon the French provinces in North America. The French had actively prosecuted the war declared against them by England, on the 4th May, 1702, and the northern English provinces of America, had suffered greatly from their incursions. In the preceding year, they had penetrated to Haverhill, on the Merrimack river, and reduced the town to ashes. Upon the entreaty of the inhabitants of New England, the ministry adopted a plan proposed by Col. Vetch, for the conquest of Arcadia, Canada, and Newfoundland. An attack upon Quebec was to be made, by a squadron of ships carrying five regiments of regular troops from England, and twelve hundred provincials, furnished by the zeal of Massachusetts and Rhode Island; whilst an army of fifteen hundred men from Connecticut, New York, New Jersey, and Pennsylvania, conducted by Colonels Nicholson and Vetch, should attempt Montreal, by way of the lakes. The enterprise, however, was never prosecuted; the exigencies of the war in Europe requiring all the forces of the allies. The quota of troops required from New Jersey, was two hundred. The Assembly entered spiritedly into the views of the ministry; passed one act appropriating three thousand pounds to aid the expedition, to be raised by the issue of bills of credit; another, for enforcing their currency, and a third for the encouragement of volunteers. The few Indian chiefs who were in the province, were summoned before the council, and incited to engage in the enterprise; and Col. Schuyler was commissioned by the governors of Connecticut, New York and Pennsylvania, to direct the efforts of these and of the Five Nations.

V. Upon failure of the expedition, Col. Nicholson returned to England to solicit further assistance, taking with him, five of the Indian sachems of the Five Nations, together with Col. Schuyler, whose influence over these

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warlike savages was almost unbounded. It suited the ministry to make an exhibition of these sons of the forest. The court being then in mourning for the death of the prince of Denmark, the American kings were dressed in black under clothes, and their coarse and filthy blankets were exchanged for rich scarlet cloth mantles, trimmed with gold. A more than ordinary solemnity attended the audience they had of her Majesty; Sir Charles Cotteral conducted them in coaches to St. James's; and the Lord Chamberlain introduced them into the royal presence, where the chief warrior and orator addressed a speech, with the customary belts of wampum, to her Majesty.

VI. To the solicitations of Colonels Nicholson and Schuyler, the ministry returned the most favourable promises; but their execution was so long delayed, that Nicholson resolved to attack Port Royal, with the means at his disposal in the colonies. With twelve ships of war and twenty transports, having on board one regiment of marines, and four of infantry, raised in New England, he assailed and captured the place, and obtained full possession of Nova Scotia, on the 5th of October, 1710.

VII. Lieutenant Governor Ingoldsby was, as we have seen, justly obnoxious to the people of New York and New Jersey, and their remonstrances, also, procured his removal soon after the dismission of Cornbury. But before the arrival of another governor appointed by the crown, the executive powers were exercised in New Jersey, by Mr. William Pinhorne, one of the most unpopular of the council. He was, however, very soon superseded by the arrival of Brigadier General Hunter, on the 14th June, 1710, with the commission of governor general of the provinces of New York and New Jersey.

VIII. Governor Hunter was a native of Scotland, and when a boy, was put apprentice to an apothecary. But he deserted his master and entered the army, and being a man of wit and personal beauty, acquired the affections of Lady Hay, whom he afterwards married. He had been nominated in the year 1707, lieutenant governor of Virginia, under George, Earl of Orkney; but having been captured by the French, in his voyage to that colony, was carried into France. Upon his release, he was appointed to succeed Lord Lovelace. He was, unquestionably, a man of merit, since he enjoyed the intimacy of Swift, Addison, and others, distinguished for sense and learning; by whose interest, it is supposed, he obtained this profitable place. He mingled freely with the world, and was somewhat tainted by its follies; had engaging manners, blended perhaps, not unhappily, for his success in the province, with a dash of original vulgarity. His administration of ten years' duration, was one of almost unbroken harmony, and consequently productive of scarcely aught else, worthy of historical notice.

IX. He met the Assembly of New Jersey on the 6th of December, 1710; to whom he delivered a frank, soldierly, and acceptable speech, much in the spirit of his predecessor Lovelace. The session continued more than two months, during which the joint labours of the governor and House of Representatives were unimpeded, save by the occasional refractoriness of the obnoxious council. This led the House, nothing loth, to the consideration of the charges which a majority of the present council had made to the Queen, against a former Assembly, whose vindication the present House assumed not the less eagerly, that it was composed, almost wholly, of other individuals.*

They presented to governor Hunter a long memorial, in which, these members of council were certainly not spared. And if we may judge of their characters, from their sycophancy, no terms of reprobation could have been too strong. It was scarce possible for the minions of the most despotic and profligate court, to flatter a monarch, more than the council

* Smith's N. Y. Smith's N. J. See note T.

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of New Jersey did the good Lord Lovelace, in an address, "which," say the Assembly, "for the peculiarity of the language, (and we might add, the unintelligibleness of the terms), ought never to be forgotten." The address commenced thus: "*Your lordship has not one virtue or more, but a complete accomplishment of all perfections*," &c. &c. The address to the Queen, purporting to be an act of the council, it appears had never been formally considered before that body, but had been prepared at the instance of Lord Cornbury, and was signed by the counsellors at different times and places; and many of them, afterwards, becoming ashamed of its contents, alleged that they had signed it without having read it.

In their defence, the Assembly charge upon the council an attempt to defeat their endeavours, to aid the expedition against Canada, by conspiring to negative the acts which they proposed for that purpose. And they allege such misdeeds against most of the counsellors, that we are driven to believe, that party spirit must have aided much in forming the accusation. Thus Mr. Hall is accused of extortion, of imprisoning and selling the queen's subjects, and "of taking up adrift several casks of flour, denying them to the owner, and selling them."—Mr. Sonmans of being indicted for perjury, "from which, by a pack'd jury he was cleared, there being too much reason to believe he was justly accused, and of being a bankrupt," who at this time, and for some years past, has lived in open and avowed adultery in contempt of the laws. They allege also, that the courts of law, in which the gentlemen of the council were judges, instead of being a protection and security to her Majesty's subjects, became their chief invaders and destroyers—That though the courts were holden, alternately, at Amboy and Burlington, "yet the causes of one division were tried in the other, and juries and evidences carried for that end;" that "the writ of *habeas corpus*, the undoubted right, as well as the great privilege of the subject, was by William Pinhorne, Esq. second Judge of the Supreme Court, denied to Thomas Gordon, Esq. then speaker of the Assembly; and, notwithstanding the station he was in, he was kept fifteen hours a prisoner, until he applied by the said Pinhorne's son, an attorney at law; and then, not before, he was admitted to bail: that, many persons prosecuted upon informations, had been, at their excessive charge, forced to attend, court after court, and not brought to trial, when there was no evidence to ground such information on: that, the people called Quakers, who are by her Majesty, admitted to places of the most considerable trust within this province, are sometimes admitted to be evidences, as in a capital case, at a Court of Oyer and Terminer, holden by Chief Justice Mompesson, Colonel Daniel Coxe, Colonel Huddy and others, on which evidence the prisoner was condemned to be executed; and sometimes, they are refused to be jurors or evidences, either in civil or criminal cases; so that their safety or receiving the benefit of her Majesty's favour, seems not to depend upon the laws or her directions, but the humours and caprices of the gentlemen who were judges of the court: all persons not friends to the gentlemen of the council, or some of them, were sure in any trial at law to suffer; every thing was done in favour of those that were: justice was banished, and trick and partiality substituted in its place: no man was secure in his liberty or estate; but, both, subjected to the caprices of an inconsiderate party of men, in power, who seemed to study nothing more than to make them as precarious as possible:"—that "all the original copies of the laws, passed in the time of the just Lord Lovelace, are somehow or other made away with: Basse* offers to purge himself by his oath, that, he

* Mr. Jeremiah Basse, once deputy governor under the proprietaries of East Jersey, at this time, secretary of state, clerk of council, and prothonotary of the Supreme Court.

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has them not, nor knows any thing of them; and it may be so, for aught we know; but in this province, where he is known, it is also known, that, few men ever believed his common conversation, and several juries have refused to credit his oaths. It is certain, that the secretary's office is the place these laws should have been." "It does appear to have been the interest of the lieutenant governor and his friends, to destroy it, (the law appropriating eight hundred pounds to Lord Lovelace) for they had got an act passed, which took from the Lord Lovelace three hundred and thirty pounds of that money, and gave it to the lieutenant governor; and two hundred and twenty pounds more of it was given to him for the support of the government. Had he sent the act, made in favour of the Lord Lovelace, to the Queen, for her approbation or disallowance, it would not have served him, had her Majesty approved of it, as, in all probability, she would have done; but had the other gone home first, there was an expectation it might pass, the Queen knowing no more about the first act, than that a vote had passed in favour of the Lord Lovelace."

"We are concerned," say the Assembly in conclusion, "we have so much reason to expose a number of persons combined to do New Jersey all the hurt that lies in their power. Her Majesty has been graciously pleased to remove Colonel Richard Ingoldsby, from being lieutenant governor, and we cannot, sufficiently, express our gratitude for so singular a favour, and, especially, for appointing, your excellency, our governor: we have all the reason in the world to be well assured, you will not forget that you are her subject; but will take care, that justice be duly administered to the rest of her subjects here; which can never be done while William Pinhorne, Roger Mompesson, Daniel Coxe, Richard Townley, Peter Sonmans, Hugh Huddy, William Hall, or Jeremiah Basse, Esquires, continue in places of trust, within this province; nor can we think our persons or properties safe, while they do; but if they are continued, must, with our families, desert this province, and seek some safer place of abode."

These representations are, without doubt, highly coloured; but there must have been great cause for them; since sustained by the governor, they were attended with the desired effect; all the obnoxious counsellors being removed by the Queen.

X. Major Sandford, one of the unfortunate counsellors, who had now been elected a member of the Assembly, from Bergen county, was expelled the House; it having resolved, "that any one who had signed the false and scandalous representation of the representative body of the province, was unfit to sit in the House, unless he acknowledged his fault," which the offending member refused to do. An address to the Queen was, also, prepared, and immediately despatched.

XI. Since the surrender of the government, by the proprietaries, the administration of the province had been greatly embarrassed by the obstacles created by the requisition of oaths from the Quaker inhabitants, who were, thereby, precluded from sitting on juries, and from exercising other offices. This grievance had been foreseen, and, in some degree, provided for, by the instruction of the ministers to Lord Cornbury, directing that he should unite with the Assembly in passing an act, to the like effect as that of the seventh and eighth of King William, entitled, "An act, that the solemn affirmation and declaration of the people, called Quakers, shall be accepted, instead of oath, in the usual form." The disregard of this just and prudent provision, enabled the governor, Cornbury, at will, to admit or reject, the services of Quakers, and became one of the means by which he oppressed the people. The House proposed to provide against similar abuses, in future, by two bills; one for ascertaining the qualification of jurors, and the other for sub-

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stituting affirmations, for oaths, where a party was conscientiously scrupulous in taking them. But though laws, for these purposes, were subsequently enacted, the opposition of the council, at this time, defeated the efforts of the Assembly. And a bill for explaining the militia law, and relieving persons aggrieved thereby, met a like fate.

XII. Animated by his successes in Newfoundland, Colonel Nicholson again urged upon the ministry, the reduction of Canada, which had been strongly recommended by the Indian chiefs, as the only effectual means of securing the northern colonies. The attempt having been resolved upon, circulars were addressed to the governors of the northern and middle colonies, requiring them to meet and confer with Nicholson, and to prepare their respective quotas of men and provisions. Governor Hunter summoned the Assembly of New Jersey in July, 1711; and informing them that the fleet and army destined for this service, had arrived at Boston, demanded that they should provide three hundred and sixty effective men beside officers, together with the means for their subsistence and pay. The service was one which this, together with the northern provinces, looked upon with great favour. The House, therefore, promptly resolved to aid it, by appropriating twelve thousand five hundred ounces of plate (dollars) in bills of credit, to be sunk, together with the three thousand pounds formerly appropriated, by a subsequent tax; and by measures for raising and supporting the requisite troops.

But the expedition proved most disastrous. Colonel Nicholson, under whom served Colonels Schuyler, Whiting, and Ingoldsby, mustered, at Albany, two thousand colonists, one thousand Germans from the Palatinate, and one thousand of the Five Nation Indians, who commenced their march towards Canada, on the 28th of August. The troops from Boston, consisted of several veteran regiments of the Duke of Marlborough's army, one battalion of marines, and two provincial regiments; amounting to six thousand four hundred men, commanded by Brigadier General Hill, the brother of the Queen's favourite, Mrs. Masham. They sailed on board of sixty-eight vessels, under convoy of Sir Hoveden Walker, the 30th of July, and arrived off the St. Lawrence, on the 14th of August. In ascending the river, the fleet, by the unskilfulness of the pilots, or the obstinacy and distrust of the admiral, was entangled amid rocks and islands, on the northern shore, and ran imminent hazard of total destruction. Eight transports, with eight hundred men, perished. Upon this disaster, the squadron bore away for Cape Breton; and the expedition, by the advice of a council of naval and military officers, was abandoned, on the ground of want of provisions, and the impossibility of procuring a seasonable supply. The admiral sailed directly for England, and the colonial forces for New England; whilst Colonel Nicholson, thus deserted, was compelled to retreat from Fort George. The want of skill and fortitude, were eminently conspicuous in the British commanders of this enterprise.*

* The ministry were, generally, censured by the Whigs for the project of this enterprise, and for the measures taken for its execution. It was never laid before Parliament, though then in session; on account, as it was said, of the greater secrecy; and for the same reason the fleet was not victualled at home. They relied on New England for supplies, and this defeated the design; for the ships tarried at Boston, until the season for attack was past. According to Lord Harley's account, the whole was a contrivance of Bolingbroke, Moore, and the Lord Chancellor Harcourt, to cheat the public of £20,000. The latter of these, was pleased to say, "No government was worth serving, that would not admit of such advantageous jobs."—*Smith's New York*, 131. From the manner in which this and other enterprises against the possessions of France, in America, were conducted, we are almost prepared to agree in opinion with

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XIII. During five years, nothing worthy of historical notice, occurred in the province. The Assembly was occasionally convened, and passed such laws as were required. These were few and simple, relating solely to the internal policy of the colony; the peace of Utrecht, 31st of March, 1713, having put an end to hostilities between Great Britain and France, and terminated a merciless war upon the American continent. Some leaven of the political spirit, which had been engendered during the administration of Cornbury, still worked, at times, among the people, and in the Assembly. Gersham Mott, and Elisha Lawrence, members from Bergen, who had been of Cornbury's party, having entered on the minutes of council, reasons for voting against aiding the expedition to Canada, were severally expelled the House of which they had become members, "for having arraigned the honour of the representative body of the province." This would seem to have been a party vote, scarce warranted by circumstances. In the interval, we have mentioned, one Assembly had been dissolved, by the demise of Queen Anne, on the 1st of August, 1714; another, by the arrival of a new commission to the governor, from her successor George I.; and a third, by some cause which is not apparent. A new Assembly was convened at Amboy, on the 4th of April, 1716, in which there was a temporary majority, against the late ruling party; and the party which had suffered for adhesion to Cornbury, seemed about to regain its ascendency. Col. Daniel Coxe was chosen Speaker, and several of the most odious members of Cornbury's council, were members of the House. They contrived to delay the business of the session, until the governor, wearied by their procrastination, prorogued them.

XIV. He summoned the House again, on the 14th of May, when nine, only, out of twenty-four members appeared. These adjourned from day to day, for five days, receiving no accession to their numbers. When it became apparent, that the absentees, intended by desertion to prevent the exercise of the legislative authority, now indispensable to renew the supplies for the support of government, and to provide for the re-emission of the bills of credit, the nine applied to the governor to enforce, by some means, the attendance of the absent members. He issued writs to several of them, commanding their presence, as they would answer the contrary at their peril. Four immediately appeared, making a majority of the House, to whom he recommended the choice of a new Speaker, (Col. Coxe being of the absentees), that they might despatch their sergeant-at-arms to enforce the attendance of others. Mr. John Kinsey of Middlesex, was placed in the chair, and the Assembly proceeded with its usual business. They also entered upon an examination of the conduct of the Speaker and his associates, all of whom they expelled, for contempt of authority and neglect of the service of their country; and resolved that they should not sit, if returned on a new election, during the then session. Several of such members, however, were returned; but being rejected, the electors were compelled to choose again.

A subsequent session of the same House, was holden at Crosswicks,* in consequence of the small pox being at Burlington, at which sixteen public and private bills were enacted. The next session commenced on the 8th of April, 1718, but continued a few days only; being adjourned by the governor, at the request of the House, to the following January, a less inconvenient season of the year; when, also, many acts were passed; among which were, one for ascertaining the division line betwixt New Jersey and New York, and

the Swedish traveller, Kalm, that Great Britain "was not earnestly disposed to drive that power from the continent, preferring to retain it as a check upon the colonists, whom, they feared, would otherwise become powerful and independent."

* October 3d, 1716.

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another for running the line between East and West Jersey. The commissioners under the first act, fixed the northern station point, on the 25th July, 1719, in latitude 41° 40', in the manner we have already stated. But nothing was done under the act for determining the line between the East and West Jersey proprietors.

XV. This was the last session of the Assembly during Governor Hunter's administration. He had grown tired of his residence in America, or was called, thence, by his affairs in Europe; expressing his intention, however, with his Majesty's permission, to return. He left New York on the 13th of July, 1719, and on his arrival at London, exchanged his government with William Burnet, Esq., son of the celebrated bishop of that name, for his office of comptroller of the customs. Perhaps none of the colonial governors have earned a more excellent or more merited reputation than Brigadier Hunter. Preserving all the firmness which the dignity of his station required, and maintaining the royal authority in full vigour, he conciliated the people of both provinces, in a very remarkable degree, and obtained from both, in the form of legislative resolves, the most enviable testimonials.

The last New Jersey Assembly declared to him in their Address, "Your administration has been a continued series of justice and moderation, and from your past conduct, we dare assure ourselves of a continuation of it; and we will not be wanting in our endeavours to make suitable returns, both in providing a handsome support of the government, and of such a continuation as may demonstrate to you and the world, the sense we have of our duty and your worth." The Legislature of New York addressed him thus—

"Sir, when we reflect upon your past conduct, your just, mild, and tender administration, it heightens the concern we have for your departure, and makes our grief such as words cannot truly express. You have governed well, and wisely; like a prudent magistrate—like an affectionate parent;—and wherever you go, and whatever station the divine Providence may please to assign you, our sincere desires and prayers for the happiness of you and yours, shall always attend you. We have seen many governors, and may see more; and as none of those who had the honour to serve in your station, were ever so justly fixed in the affections of the governed, so those to come will acquire no mean reputation, when it can be said of them, their conduct has been like yours. We thankfully accept the honour you do us, in calling yourself our countryman; give us leave, then, to desire, that you will not forget this as your country, and if you can, make haste to return to it. But, if the service of our sovereign will not admit of what we so earnestly desire, and his commands deny us that happiness, permit us to address you as our friend, and give us your assistance, when we are oppressed with an administration the reverse of yours."

Like all other men, who have been in any way remarkable for political success, Governor Hunter selected his associates and agents, with much judgment; and instead of forcibly opposing the public will, sought, successfully, by gentle means, to guide it. In New Jersey, Colonel Lewis Morris, a popular favourite, and chief justice, was his principal adviser; and in New York, he was sustained by that gentleman, and by Messrs. Robert Livingston, De Lancy, and others, of high character, and influence. The province of New Jersey gave him a salary of £600, per annum; commonly, by acts limited to two years. The whole expense of the government, about £1000, per annum, was raised by a levy upon real and personal estate, by an excise on wines and spirituous liquors, and a duty on

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the importation of Negro and Mulatto slaves—the last, laid, probably, as much with design to prohibit the traffic, as for the sake of revenue. The extraordinary expenses, such as those for the military expeditions, were met by bills of credit, or loans, payable from the surplus of the ordinary revenue. The debt of the province at this time, amounted to eight thousand pounds.

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CHAPTER VII.

Containing Events from the arrival of Governor Burnet, to the Death of Governor Morris, 1719–1746.—I. Governor Burnet—Notice of his Character.—II. Meets the Assembly—Proceedings.—III. Paper Currency—an Account of its Rise and Progress.—IV. Bill proposed against denying the Trinity, &c.—V. Governor Bernard removed to Massachusetts.—VI. Is succeeded by John Montgomery—His Administration.—VII. Death of Colonel Montgomery, and Presidency of Colonel Lewis Morris—Arrival of Governor Cosby—Harmony of the Province during his Administration—His Death.—VIII. Presidencies of John Anderson, and John Hamilton, Esquires.—IX. Lewis Morris, Governor of the Province of New Jersey, it being separated from New York—Gratification of the Province.—X. He ceases to meet the Council, in Legislation.—XI. Salaries of Officers.—XII. Unpopular Conduct of Governor Morris.—XIII. War with Spain—Aid required by Great Britain, from the Colonies—promptly afforded by New Jersey—Further disputes between the Governor and Assembly.—XIV. Disingenuous Conduct of the Governor, relative to the Fee Bill.—XV. Opposes the views of the House, on the Bill relative to the Paper Currency—on that, circumscribing the Jurisdiction of the Supreme Court.—XVI. Assembly refuse to provide for the Salaries of the Public Officers.—XVII. Efforts at Accommodation—defeated by the discovery of the duplicity of the Governor—Death of Governor Morris—John Hamilton, Esq., President.—XVIII. Biographical Notice of Governor Morris.—XIX. Application made by his Widow, for arrears of Salary—refused.

I. Governor Burnet, as we have already observed, was a son of the celebrated Bishop Burnet, whose piety and erudition, but more especially, whose zeal and activity, for the revolution and protestant succession, in Great Britain, has rendered his name illustrious in English story. The son was a man of sense and breeding, a well read scholar, and possessed a sprightly and social disposition, which his devotion to study restrained from excess. He cherished, successfully, the arts of popularity—had none of the moroseness of the scholar, but was gay and affable, avoiding all affectation of pomp, and mingled freely with the reputable families of his government, paying great attention to the ladies, by whom he was much admired. His fortune was very inconsiderable, and had been impaired by adventuring in the *South Sea* scheme; yet, he was not avaricious, nor importunate, as most colonial governors were, with the people, for a permanent salary.* His intimacy with Mr. Hunter, enabled him, before his arrival, properly to appreciate both persons and things in the province, and thus to obtain many of the advantages of experience. He connected himself closely with Mr. Lewis Morris, and with Dr. Colden, and Mr. Alexander, men of learning, good morals, and sound judgment. Mr. Hunter had recommended to him all his former friends; and few changes, consequently, were made in the colonial offices.

II. Governor Burnet met the Assembly of New Jersey, soon after his arrival. The session was short, little business was done, and the House being soon after dissolved, writs were issued for a new election. In this respect, the governor's policy, in New Jersey, differed from that which he

* "Whether an alteration in sentiment, or instruction, or both, was the cause, must be left to conjecture; but while governor of Massachusetts Bay, his conduct was different; there he insisted for several years with the greatest firmness, for an indefinite support, and pursued it through the plantation board, and privy council, to the Parliament, when his death prevented its coming to a conclusion."—*Smith's New Jersey.*

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pursued in New York; where he continued the Assembly, which he found existing at his arrival, until the people, apprehensive that their representatives might be corrupted, by executive favour, clamorously demanded a dissolution.

The new Assembly met early in the spring of 1721, and chose Dr. John Johnson, of Amboy, their Speaker. The House continued in being, during the whole of the administration of Governor Burnet, until December, 1727; changes being made only in the Speakers; first, consequent on the illness of Mr. Johnson, when Mr. William Trent was chosen; and again on the death of Mr. Trent, in 1725, when Mr. Johnson was re-elected.*

III. The most remarkable acts of this Assembly, were, that for the support of government, in which the salary of the governor was fixed for five years, at £500 per annum; and that, authorizing the issue of £40,000, in bills of credit, with the view, principally, of increasing the circulating medium of the colony. The country, as the preamble to this act sets forth, had been wholly drained of a metallic medium of exchange, and was without any means of replenishment; inasmuch, as the neighbouring colonies of New York and Pennsylvania, to which its produce was exported, had no other than paper currency; and as this was not a legal tender, in the payment of debts, in New Jersey, much vexation and embarrassment of trade, was produced. The payment of taxes was occasionally made, in broken plate, earrings, and other jewels; and the law authorized their payment in wheat.

The expedient of paper currency had been long since resorted to by Massachusetts, New York, and South Carolina; but in these provinces, its benefits had been decreased by the want of due provision for its redemption, and by over issues. In Pennsylvania, the measure was introduced in 1723, by Governor Keith, with signal success. New Jersey wisely adopted in the same year, the plan of the last, which preserved her currency from much depreciation. Yet, as from the limited nature of her trade, it was less convertible into gold and silver coin, than that of the adjacent colonies, it was, at times, at a discount in Philadelphia and New York. Small amounts had already been issued to meet the expenses of the Canadian expedition, but the bills on these occasions, were in form, treasury notes, based on the faith of the state, and redeemable by taxation only.

Forty thousand pounds in such bills, in value from one shilling, to three pounds, were issued by the government to borrowers, on the pledge of plate, or real estate, at 5 per cent per annum. Loans on plate were made for one year, and on lands, lots, houses or other valuable improvements, for twelve years; the applicant deposing that the estate offered, was held in his own right, and had not been conveyed to him for the purpose of raising money on loan for others; and that it was free from all incumbrance. The amount loaned to any individual was not less than twelve pounds ten shillings, nor more than one hundred pounds, unless there remained bills in the hands of the commissioner, six months after issue; when two hundred pounds might be loaned, to be repaid in twelve annual instalments, with the interest; or the whole, at any time, at the pleasure of the borrower. In default of payment, for thirty days after any instalment became due, the mortgage was to be foreclosed. All bills thus paid in, were to be destroyed, or when prematurely paid in, to be loaned to others. The whole sum was specifically apportioned to the counties, in which, loan-offices were established, under commissioners named in the act, and created a body politic. The bills were made current for twelve years; were a legal tender in payment of all debts and contracts, under penalty of extinction of the debt, or a fine

* See Appendix, U.

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for refusal, of not less than thirty shillings, nor more than fifty pounds, as the case might be. Forgery of the bills was made felony, and punishable with death. If, at the expiration of the term, for which they were made current, any portion of the amount, respectively, allotted to the counties remained unpaid, the county became responsible for it.

For the better credit, and sooner sinking of these bills, and for the additional support of the government, a tax of one thousand pounds a year, was imposed for ten years. Four thousand pounds of the product were appropriated to the redemption of the bills of credit formerly issued; and the interest on the money loaned under the act was applied to the sinking of bills, thereby issued; and as the interest and principal of the sums loaned, when paid in, would much more than pay the bills, the balance was devoted to the support of the government, in such manner as the governor, council, and General Assembly might direct.

In 1730, another act added twenty thousand pounds to this medium, which were made current for sixteen years; and in 1733, the act of 1723, for the issue of forty thousand pounds was renewed; the amounts being loaned upon the same principles as under the first act, and kept in circulation by re-issues, and subsequent issues of such sums as were necessary to supply the place of torn bills. All these issues were fully and duly redeemed.

An additional and floating debt was subsequently contracted by the issue of bills, from time to time, to defray the war requisitions of the British ministry, and other exigencies. This debt bore heavily upon the province, as it was payable solely by taxation; and the Legislature frequently sought relief by the issue of new bills, the interest of which would supply the means of ordinary expenditure, and was cheerfully paid by the enterprising and industrious borrower, who received an adequate consideration. But the English ministry, for many years, could not be prevailed upon to assent to this measure. At one period, they reluctantly consented to the framing a bill for the issue of sixty thousand pounds, with condition that it should receive the sanction of the King; but when the bill had passed the colonial Legislature, that sanction was refused. The governors were uniformly instructed to pass no such act, unless with a clause suspending its operation, until confirmed by the crown. In 1758, a second bill for sixty thousand pounds was sent for the royal approbation, which was rejected by the board of trade on three grounds, which obstructed the passage of every other bill of this character. 1st, That the Assembly reserved to itself, not only a participation with the governor and council, in the disposal of the money granted by the bill for his Majesty's service; but, also, the right to judge of the propriety of its application. 2d, That the surplus of interest from loans, after paying a specific grant to the crown, was appropriated to the redemption of bills before omitted, in lieu of taxes; and 3d, That the bills of credit were made a legal tender, in payment of all debts and contracts. Without these conditions, the inhabitants of the province did not deem the currency worth having, and with them, it could not be obtained; so that no other money bills were issued for a long period, unless based on taxes that would redeem them in five years.

Sound policy certainly required that the paper currency should be kept within narrow bounds, lest over issues should embarrass the commerce of the country with the parent state. But this danger could scarce be dreaded from the small amount required by New Jersey, and we must look to other causes for the pertinacious refusals of the crown. These we shall, probably, find in the independence which the colony acquired by a certain and easy revenue, which it as pertinaciously resolved to keep within its own control. Repeated attempts were made, by the colonial Legislature, to bend the will of the

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King, but always without success, until the 20th of February, 1775; when an act passed March 11th, 1774, near the close of the administration of Governor Franklin, authorizing the issue on loan of one hundred thousand pounds, and divested of all the objectional features, was confirmed by the King in council.

At one period the bills of New Jersey were at a discount of sixteen per cent., in exchange for the bills of New York, and, consequently, all contracts, especially, in East Jersey, were based upon the New York currency. The Assembly, with too much disregard for justice, directed, that all such contracts should be discharged, by payment of their nominal value in Jersey bills.

IV. Among the acts proposed at the session of the Assembly, in 1721, was one bearing the singular title, "*An act against denying the Divinity of our Saviour Jesus Christ, the doctrine of the blessed Trinity, the truth of the Holy Scriptures, and spreading Atheistical books.*" "Assemblies in the colonies," says Smith, "have rarely troubled themselves with these subjects. It, probably, arose from the governor's motion, who had a turn that way, and had, himself, wrote a book, to unfold some part of the apocalypse." The bill, however, was rejected, on the second reading, in the Assembly.

V. After a harmonious administration, of nearly seven years, Governor Burnet was removed, much against his will, to the government of Massachusetts Bay. His marriage, in New York, had connected him with a numerous family there; and, besides, an universal acquaintance, he had contracted with several gentlemen, a strict intimacy and friendship. The great merit of his administration consisted, in his effectual exertions to diminish the trade of the French with the northern Indians, and to obtain it for his countrymen; and in the erection of forts, and other means, establishing the English influence over the savages. These were benefits, however, not immediately obvious to the public sense; and some contests with the Assembly of New York, caused by private dissatisfaction, deprived him of that popularity, which his general conduct merited.

"Insensible of his services, the undistinguishing multitude were taught to consider his removal as a fortunate event; and until the ambitious designs of the French monarch, with respect to America, awakened attention to the general welfare, Mr. Burnet's administration was as little esteemed as the meanest of his predecessors."*

"The excessive love of money, a disease common to most of his predecessors, and to some who succeeded him, was a vice from which he was entirely free. He sold no offices, nor attempted to raise a fortune by indirect means; for he lived generously, and carried scarce any thing away with him, but his books. These, and the conversation of men of letters, were to him inexhaustible sources of delight. His astronomical observations were useful; but by his comment on the apocalypse, he exposed himself, as other learned men have done, to the criticism of those who have not ability to write half so well."†

VI. John Montgomery, his successor, received from him the seals of the provinces of New York and New Jersey, on the 15th of April, 1728. Colonel Montgomery was a Scotch gentleman, bred a soldier, but who, in the latter years of his life, had been groom of the bed chamber to his Majesty, George the Second, before his accession to the throne. This station, and a seat in Parliament, had paved his way to preferment in America. Good natured, unenterprising, and fond of his ease, his short administration of

* Smith's New York, 172. † Ibid. 173.

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three years, is unmarked with any event of historical interest. In 1727, before the departure of Governor Burnet, a new Assembly had been elected. With settled salaries, and the means for support of government provided for years, the governors had few inducements to invite frequent sessions of the House. Nearly three years had elapsed between the rising of the last, and the convocation of the present Assembly; and in dread that their meetings might be even longer dispensed with, they passed an act providing, that, a General Assembly should be holden once in three years, at the least, alternately, at Burlington and Amboy; and lest, by long continuance in office, the members should be improperly influenced by the executive, or cease to remember their responsibility to, and dependence upon, the people, it was further directed, that, a new Assembly should be thenceforth chosen, triennially, and that the term of the present should expire on the 25th of October, 1727. By this act, the province gained a partial security for popular rights. And by another, it was relieved from the monstrous grievance of the practice, under which the courts compelled parties acquitted upon indictment, to pay costs of prosecution.*

VII. Upon the death of Colonel Montgomery, on the 1st of July, 1731, the government devolved on Colonel Lewis Morris, until the 1st of August, 1732; when William Cosby, Esq. arrived, with the commission of governor of New York and New Jersey. He held these offices until his death, in 1736. His administration in New York was signalized by long and obstinate contests with the Assembly. Some differences, appear, also, to have arisen, between him and the Assembly of New Jersey; the latter complaining, that, the council was filled with members from New York; and the former, that, his maintenance had not been provided for, during a long protracted session. With this exception, the harmony, which had long prevailed, between the governors and Assemblies of this province, was uninterrupted during his administration.

VIII. The executive power, on the demise of Governor Cosby, devolved, first, on the president of the council, John Anderson, Esq., and on his death, about two weeks afterwards, upon John Hamilton, Esq., son of Andrew Hamilton, governor in the time of the proprietaries; who exercised it for nearly two years, and until superseded by the appointment of Lewis Morris, by the crown.

IX. The provinces of New York and New Jersey, although wholly independent of each other, had, uniformly, been governed by the same officer, since the surrender of the proprietary governments of the latter; unless for short periods, when the government was administered by the presidents of their respective councils. Yet, New Jersey, the smaller and less important territory, was treated, almost, as a dependency of her greater neighbour. The governor, attracted by the pleasures, and enchained by the business of the city, spent a small portion of his time in New Jersey. The chief officers of state were taken from New York, or upon their appointment, removed thither. Thus, Mr. Alexander, the secretary of New Jersey, was a distinguished practitioner of law of New York, and Mr. Morris held the office of chief justice in both colonies; and hence, the executive and judicial duties, were fulfilled with much difficulty, and frequently, with vexatious delays. At their January session, 1728, the Assembly of New Jersey, petitioned the King, that when he should shink proper to remove the then incumbent governor, Montgomery, he would separate the governments, and appoint a distinct governor for each colony. The application had been in the colonial office, probably, disregarded, for several years, when Mr. Morris obtained

* See Appendix, note V, for the names of the members of council, in 1727.

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its consideration. The lords of trade reported favourably upon it to the privy council, and Mr. Morris was so fortunate, as to receive for himself, the commission of governor of New Jersey, in severalty.

This appointment was highly satisfactory to the people, as well, because the duty of the governor would be, exclusively, confined to the colony, as that the officer was greatly esteemed by them. To the Assembly, which he first met, after his elevation, on the 27th of October, 1738, he addressed a long speech, in which he took full credit for the services he had rendered in separating the governments, and did not leave unnoticed nor unpraised, the qualities he possessed for his station. His self-applause was echoed by the House. "We are," said they, "more deeply sensible of our sovereign's care of us, when we consider, how exactly he has adapted the person to preside, to the nature and circumstances of this province:—a person who has been long distinguished and highly preferred for his profound knowledge of the law, and in that station has behaved, for a long tract of years, with great candour and strict impartiality;—a person well known to ourselves, to be eminent for his skill in affairs of government, which we, more than once, have had experience of; and from his knowledge of the nature and constitution of this province, and other advantages of learning, if his inclinations and endeavours to promote our welfare bear any proportion to his abilities, (which we have no reason to doubt) every way qualified to render us a happy and flourishing people."

X. "And we cannot," they continue, "but observe with pleasure and thankfulness, your excellency's candour and justice, in introducing among us, in some measure, that noble economy so happily maintained in the Legislature of our glorious mother country, by fixing the gentlemen of the council as a separate and distinct part of the Legislature; for all former governors have presided in that House, in a legislative capacity, which, not only very much influenced their debates, but often produced very bad effects, and greatly thwarted and obstructed the despatch of public business."

This arrangement was certainly wise on the part of the governor. By it he relinquished no power, since his right of absolute negative upon all bills was not impaired; but he avoided much trouble, and maintained more securely, the dignity of his office, which, in the debates of a legislative council, must often have been in danger.

XI. With such favourable sentiments, and with full reminiscence of their professions of ability, to maintain an exclusive governor, the House proceeded, with cheerfulness, to appropriate five hundred pounds, as a compensation to Mr. Morris, for his expense and labour in procuring a separation of the governments, and one thousand pounds per annum, for three years, for his salary; together with sixty pounds a year for his house rent. They, at the same time, voted one hundred and fifty pounds per annum to the chief justice; forty pounds to the second judge; forty pounds to the treasurers of East and West Jersey, respectively; thirty pounds to the clerk of council; twenty pounds to each of the clerks of the circuits, and eighty pounds to their agent in Great Britain, whom they had a short time before appointed.

Unhappily, this good understanding did not long continue. The governor whose ardent, restless, and persevering temper, when engaged on the part of the people, had gained him great popularity, was now as little disposed to yield his lightest opinions to their wishes, as he formerly had been, to submit to the executive will. And such was the estimate of his own merits, that, although, he had now received double the salary allowed to former governors, and a considerable gratuity, he informed the Assembly that he accepted their grants only as an earnest of what he expected and deserved: and he wantonly forbade the treasurer to pay them their wages, although

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duly granted, and certified according to law. Flattered by the deference, which had hitherto been paid him, and confident in his political skill and experience, which he held to be, incomparably, greater than that, of any other person in his province, he was surprised and offended, at the presumption of the Assembly, when it proposed measures which he did not approve, and attained ends which he himself sought, by some unimportant variation from the path he indicated. Passionately fond of argumentation, his addresses to the House were, at times, political lectures, delivered with all the airs of superiority, which he supposed his station, and greater intellect warranted; and at other times, revilings, alike unworthy of him and the House. He rejected several important bills, passed by the Assembly, and to their complaints of the inexpediency of this conduct, objected his power, as a constituent portion of the Legislature to exercise his veto, without question; whilst he denied, practically, to the House, a similar right. And thus, although he proposed no tyrannical or unlawful measures, he defeated, by his opinionated obstinacy, several beneficial bills; harassed the Legislature by repeated adjournments, prorogations, and dissolutions; and became, with the exception of Cornbury, the most obnoxious governor who had, in this province, held a commission under the crown. During the early years of his administration, few instances of this captious temper occur. The most memorable one, was in granting aid to a military expedition against the Spanish West Indies.

XII. A misunderstanding had arisen, in the year 1737, between Great Britain and Spain, on account of injuries alleged to have been done, to the English logwood cutters at Campeachy, and salt gatherers at Tortugas. The Spaniards, not only denied them the privileges they exercised, but claimed, and used with insolence and cruelty, the right to search English vessels, for contraband goods; of which, large quantities were introduced into their colonies. Open war was, for a while, delayed, by a convention, extremely unpopular in England, concluded in January, 1738; but which, not having been observed by Spain, letters of marque and reprisal were issued by Great Britain, and general preparations were made for war; which was finally declared, on the 23d of October, 1739. A fleet, under Admiral Vernon, having on board a body of troops, under Charles, Lord Cathcart, was despatched against the Spanish islands, and aid was required from the several British colonies.

The province of New Jersey showed the same alacrity, upon this, as upon other like occasions; promptly passing a bill for raising, transporting, and victualling her quota of troops; but, some of its details were unsatisfactory to Governor Morris, and he delayed his assent to the bill. Having despatched all other business before them, the House begged his excellency, to inform them, when he would permit them to return to their homes. To this reasonable request, he sullenly replied, "When I think fit;" and he kept the representatives of the people, hanging upon his will, from day to day, from the 25th to the 31st of July, before he sanctioned their bills, and prorogued them.

XIII. This treatment, justly, gave offence, which was heightened by his refusal at subsequent sessions, to concur in several bills deemed essential to the welfare of the province, by the House; and by his pertinacious demand for some unwelcome modification of the existing militia law. The fees of the various officers of the colony were not prescribed by law, but regulated by the governor and council; and were, frequently, exorbitant and oppressive. A fee bill was, at length, proposed by the Assembly, but long resisted by the council and governor, and finally passed, on the 21st of October, 1743, with a clause suspending its operation, until his Majesty's pleasure in relation thereto, should be known. When the sense of the several branches

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of the Legislature, had thus been obtained, the Assembly, very rationally, inferred, that the inchoate law supplied a more satisfactory rule, than the will of the executive; and on the 5th of December, resolved, that, it ought to have due weight with the judges and all others concerned, and, to govern their practice, until the royal pleasure should be declared. This expression of opinion, awakened the indignation of the governor, who sternly demanded, "By what authority the House ordered an act, not in force, to be printed as a rule for the government of the people?—or indeed, any act? And that, if they had, or pretended to have, such authority, they would let him know whence they derived it, and how they came by it, that his Majesty might be informed of it." In reply to these queries, the House resolved, "That as they had only given their opinion of an act, which had passed the three branches of the Legislature here, and had not assumed to themselves, any unwarrantable authority, they think themselves not accountable for that opinion; and that it is not consistent with the honour and dignity of the House, and the trust reposed in them, to give any further answer." And though the governor prohibited them from printing the act, it was published with votes of the Assembly. Notwithstanding the governor had sanctioned the law, and thereby concurred in opinion, with the Assembly, and the people, in the adequacy of the fees which it prescribed, he, with great duplicity, represented to the ministry, that they were so inconsiderable, that no persons of character or reputation, cared to accept of employments, in the several courts of judicature; and the refusal of the royal assent to the bill, was delayed, only, by the exertions of Richard Partridge, Esq., the provincial agent, at court.

XIV. There were three other measures which the people were desirous to effect. 1st. The renewal of the act, making current forty thousand pounds, in bills of credit, which was approaching its term; 2d. An act to oblige the several sheriffs of the colony, to give security for the faithful performance of their duties, which had become highly necessary, from the improvident appointments of the executive; and, 3d. An act to prevent actions for small amounts, in the Supreme Court. All of which, whilst productive of the public weal, would impair the influence, and lessen the power, of the governor.

The interest on the bills of credit, loaned, as we have already observed, supplied the treasury with ample funds, for the support of government, without resort to taxation, unless upon special occasions, and rendered the Assembly in a measure independent of the governor. A clause in the act made a general appropriation of the interest to the support of government, but as special acts were, from time to time, requisite to allot to the several officers, such portions as the Assembly deemed proper, the amount and duration of their salaries, depended on the pleasure of the Assembly. A full treasury, beyond the control of the executive, was reprobated as a mean of strengthening the people, both by the governors in America, and the ministers of the crown; and both desired, that specific and exhausting appropriations, should be made of the revenue, by the act which created it, which would, besides stripping the Assembly of its power, make the executive independent of its pleasure, for the term assigned, to the currency of the bills. In a word, the executive department was indisposed to continue an acknowledged benefit to the people, unless it received, in payment, what it deemed its full value.

Under the pretence, therefore, that the colonial bills of credit had been injurious to English commerce, the royal instructions forbade the respective governors to assent to any act, for issuing such bills, without a clause suspending its effect, until the act had been approved by the King. But, this prohibition having been disregarded, a bill was, about this time, introduced

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into Parliament, making it unlawful for any governor, to assent to any act, whereby paper bills of credit should be made, or the time limited, for the sinking of them, protracted; and requiring, that all subsisting bills, should be sunk and destroyed, according to the tenor of the acts creating them. The Assembly of New Jersey prepared their bill, with the suspending clause, yet the governor refused to sanction it, or more properly speaking, influenced the council to refuse their concurrence; whilst he remonstrated with the House, on the unseasonableness of their bill, pending that before Parliament. The true cause of his opposition, was, that the Assembly would not fix the salaries of the officers, for a term concurrent with that of the bills.

The refusal of the governor and council to confine the jurisdiction of the Supreme Court, to actions in which the sum demanded exceeded fifteen pounds, had a selfishness so naked, that they should have blushed to observe it. The compensation of the justices was partly dependent upon fees; hence, it became, indeed, the part of a judge to enlarge his jurisdiction,* to protract the pleadings, and to increase litigation. The chief justice, Robert Hunter Morris, son of the governor, was a member of council, and his fees would, obviously, be diminished by the limitation.

XV. Justly irritated by these scarce gauze-covered attempts, to make the commonwealth a productive estate, regardless of the public weal, the Assembly resolved, to apply for defence, to the passion that oppressed them; and by withholding the salaries of the officers, to make them feel, that, even in a pecuniary point of view, concession to the popular will would be more profitable than resistance. Between October, 1743, and April, 1745, three houses had been dissolved by the governor; each of which had given him distinctly to understand, that, they would pass no act for the support of government, unless, concurrently, with the bills above-mentioned. In considering this offer, the governor in his address to the House, sitting at Amboy, in April, 1745, observed—

"The kings of England have, from time to time, immemorial, refused their assent to many bills passed by both Lords and Commons, without assigning any reason for their so doing; and so have the Lords to bills passed by the Commons, though perhaps not so often; and if it may be lawful to compare small things with great, should the House of Commons deny to support the government, and assign these refusals as a reason for their denial, as is done here, and appeal to the populace upon it; or, in an address, propose to the King to pass their bills previous to their granting the support of government, could it bear a milder construction, than an attempt to alter the constitution? And is it less so here?

"I believe, with some reason, that the House was ashamed of that ridiculous proposal of passing their bills, previous to their granting the support of government; and was willing for their sakes to forget it, and let it drop into the oblivion it deserved; but, since the late House have thought fit to mention it, on the particular occasion they have done, I shall say a few words to it. And, first, it is known to all, and themselves, in particular; that the money in the treasury is appointed for the support of government, and appropriated for that purpose; and all that they have to do in it is, to agree with the council and myself, what quantity of it should be applied to that use; and the council could, with equal propriety, have made the same proposal, to pass their bills, that is, the bills of the proposers, previous to their granting their support. I thought, that, what I had said, when that proposal

* "*Bonis est judicis ampliare jurisdictionem.*"—Law maxim.

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was made, and the bills I then passed, left no room for a second mention of it; but since they have done it, on the occasion, they did, and thereby seem to insinuate to the populace, that my passing of their bills, is a condition on my part, to be complied with, before they will agree to the support of the government, I take leave to say, that what they call a proposal, I esteem a most unmannerly threat, that, they would not support the government at all, unless I passed all their bills, before they did it; and then would support it, as they thought fit: To which, I say, that I will assent to none of the bills passed by the Assembly, unless first assented to by the council, and I approve them: But not even then—if I think such not very necessary, unless sufficient provision be made for the support of the government, previous to the passing of any bill, by me. And this, gentlemen, I desire you to take notice of, and govern yourselves accordingly."

To this assertion of the governor's determination, the House, among other things, replied. "As we met your excellency at this time, determined, as in duty to his Majesty, we are bound, to support his government, so we entertained hopes that we might at least, have been encouraged to proceed in preparing some bills we think very necessary, and much wanted by the people, whom we represent. But, since your excellency hath been pleased to assure us, that you will assent to none of the bills passed by the Assembly, unless first assented to by the council, and you approve of them; but not even then, if you think such bill not very necessary, unless a sufficient provision be made for the support of government, previous to the passing of any bill by you; and this you have recommended to our particular notice, to govern ourselves accordingly, it gives us some concern to be thus almost, peremptorily, precluded from proposing such bills as we should think very necessary; but we know this is a power, your excellency can make use of, to check our proceedings. We shall, therefore, according to your prescription, defer such bills until some more favourable opportunity, when reason and argument may have greater influence."

Urged by the necessity, so far as it regarded the crown, of preserving, at least, the appearance of providing for the support of government, the House presented to the governor and council, a bill for granting less than half the usual sums, which was of course rejected.

At length, after several adjournments, and more than a year's delay, the Assembly declared, "that notwithstanding all the foregoing treatment, they were still fond of an accommodation, and solicited his excellency for two or three laws which the country have very much at heart; and they informed him, that they would willingly support the government with salaries as large as had been given during his administration, on condition, that they could obtain those acts that would enable them to do it in a manner they could approve of;—but this could not be done. They therefore begged leave to be plain with his excellency, and hoped that he would not take it amiss, that they are so; they are now willing (if his excellency and council think fit,) to pass the bills which they passed at the last meeting over again, but as they are discouraged from giving so large a support, as they would willingly have done, they are determined to assent to no longer applications, than what in the late meeting they assented to, until they can have an assurance of obtaining some acts they think they have a right to, and very necessary to enable the colony so to do." From this determination, the House did not depart, and the governor equally unyielding, though in very bad health, prorogued them from time to time, twice to Trenton, that they might be near his residence of Kingsbury; and, at length, after another year of fruitless altercation, dissolved them.

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XVI. But, the appeal to the people, by the convocation of a new Assembly, did not relieve the governor. The constituents of the former House universally approved their conduct, and the same members were re-elected, two only excepted. The governor's infirmities increasing, the Assembly met at Trenton, on the 26th of February, 1746. Both parties had now become heartily weary of the unprofitable contention, and were disposed to unite by sacrificing a part of their respective wishes. This desirable compromise was induced partly by the war, in which the empire was engaged with France and Spain, and the dangers dreaded to the state from the rebellion in England in favour of the Pretender. These circumstances served as a pretext, if they were not the reason, for accommodation. The leaders of the Assembly agreed to pass the militia law, desired by his excellency, and he engaged to concur in their bills for the paper currency, the requiring security from sheriffs, and curtailing the jurisdiction of the Supreme Court—it being well understood, that the support of government should be provided for, as liberally as heretofore. These bills were all duly approved by the Assembly, and council, and awaited only the signature of the governor, to become laws; but that for the support of government, had not yet passed the House. The governor refused his assent to those before him, until the supply bill should also be presented. Neither party had confidence in the other; and it soon became apparent, that the distrust of the House was but too well founded. For at this period, they received a communication from the provincial agent at London, informing that the fee-bill was about to be defeated, by the representations of the governor, notwithstanding he had given it his official sanction; and it was subsequently disapproved by the king. No reliance therefore, could be placed in the success of their money bill, even when approved by all the branches of the Legislature; since the governor might, and probably would use his endeavours, successfully, under the suspending clause to prevent the royal approbation. The House resolved, therefore, whilst adhering to the letter and spirit of the agreement for accommodation, and providing, as usual, for the compensation of the other officers, to make the governor's salary depend upon his good faith, and upon the final passage of their money bill, by the King.

XVII. "With this view, a committee of the House informed him, that they were willing, upon giving his assent to the bills now before him, to vote to the commander-in-chief for the time being, five hundred pounds per annum, for two years, to commence the 23d of September, 1744, and to end 23d of September, 1746; which, with the other salaries, should be paid out of the money then in the treasury. And as a grateful acknowledgment to his Majesty, and his excellency, for the benefits they hoped the colony would receive from such bills, they further assured him, that, provision should be made in the bill, for the support of government, for the payment of one thousand pounds to him or his representatives, out of the first interest money, arising from the act making current the bills of credit, when his Majesty's assent should be had thereto. With these conditions, the governor refused compliance and prorogued the House until the following day. The effect of prorogation was to put an end to all business before the House, and oblige them to recommence their labours. It had been repeatedly tried without any good effect, and was probably resorted to on this occasion, that the governor, whose illness daily increased, and incapacitated him for business, might obtain a short respite from a vexatious dispute. The House convened on the prorogation, and authorized the speaker, and any two members, to meet and adjourn from day to day.

On the 21st of May, 1746, Governor Morris, after a severe illness, of more than two years, died at Kingsbury, near Trenton. By his death, the office of governor devolved upon John Hamilton, Esq., the eldest member

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of council, All the bills which had been so obnoxious to him, were passed in February, 1748, by Governor Belcher, without hesitation. The champions of the Assembly, in their long contests with the governor appear to have been Mr. Richard Smith, Mr. Lawrence, Mr. Neville, and Mr. Eaton.

XVIII. The family of Mr. Morris, which for more than a century exercised a controlling influence over the political events of New York, and New Jersey, was derived from Richard Morris; who, wearied with the unsettled condition of affairs in England, consequent on the wars of Cromwell, in whose armies he is said to have been a distinguished leader, turned his views to America, and came over first to the West Indies, and shortly after to New York. He purchased an estate near Haerlem, ten miles from the city, containing more than three thousand acres of land, which by the original grant was endowed with manorial privileges, and called Morrisania. Richard died in 1673, leaving an only son, Lewis, the subject of our story, an infant and an orphan, his mother having died a few years before his father. Thus destitute, he became the ward of the colonial government, which appointed a guardian to his person and estate. Soon after, however, his uncle, Lewis Morris, arrived from Barbadoes, and settling at Morrisania, took his nephew in charge, and finally made him heir to his fortune. The early years of the nephew, were wild and erratic. On one occasion, having committed some folly, or extravagance, displeasing to his uncle, he strolled to the southern colonies, and thence to the West Indies, where he maintained himself some time, as a scrivener. He soon tired of his vagaries, and returned to his uncle, by whom he was kindly received. Ambitious, and possessed of much intellectual power, he entered, at an early age, upon a public career; and though, indolent in the management of his private affairs, the love of power, rendered him active in those of a political nature. In New Jersey, he distinguished himself in the service of the proprietaries and the Assembly; and by the latter was employed to draw up their complaint against Lord Cornbury, and made the bearer of it, to the Queen. No man in the colony equalled him in the knowledge of the law, and the arts of intrigue. He was one of the council of the colony, and judge of the Supreme Court, in 1692. Upon the surrender of the government, to Queen Anne, in 1702, he was named as governor, before the appointment was conferred upon Cornbury. He was several years chief justice of New York, and a member of Assembly;—was second counsellor, named in Cornbury's instructions; but was suspended by him, in 1704; restored by the Queen, and suspended a second time, in the same year. He was a member of the Assembly, in 1707, and was reappointed to the council, in 1708, from which he was again removed, by Lieutenant-Governor Ingoldsby, in 1709, but reappointed in 1710, where he continued, until made governor, in 1738. The love of power was his ruling passion. Unable to gratify it, as a partisan of the governor, he became a leader of the people; and as their power was his, contended strenuously, for its preservation and enlargement; but when that power was opposed to his will, he was not less active to control and abridge it. There was nothing in his conduct or character, to separate him from the herd of politicians, who throw themselves into the public arena, like gladiators, to obtain by combat, with each other, their daily bread, and a few shouts of applause, from the spectators; the memory of which, endures, scarce longer than their reverberation. In his early life, he rendered some service to the colony, for which it was grateful; and his name, borne by one of the counties of the State, will attest, that he was, once, a popular favourite. In private life, he was highly respectable, and happy. Inheriting a large estate, and free from avarice, he was not tempted to increase it, by indirect means. Blessed with the affections of an amiable wife, he be-

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came the father of a large family of children, many of whom, he lived to see successfully settled.*

XIX. His widow applied, soon after his death, to the Legislature, for the payment of what she termed the arrears of his salary, at the rate of one thousand pounds, per annum, for nearly two years; and the Assembly having rejected her petition, she solicited the interference of the lords commissioners for trade and plantations. That Board instructed Governor Belcher, in November, 1748, to recommend, in the most earnest manner, to the Assembly, to make provision for the speedy payment of such arrears—declaring, that they earnestly interested themselves in behalf of the petitioner, as the salary was represented to them to have been withheld, merely on account of his adherence to his duty, and obedience to the direction of the board. When this subject was thus brought before the Assembly, for consideration, they replied, by a long enumeration of the political sins of the late governor; and for those causes, trusted that Governor Belcher would deem their conduct just and reasonable. "But," they continued, "to put the matter beyond dispute, although Governor Morris, in his life time, did, and his executors, now, do, insist upon payment of what some are pleased to term arrears, yet the House have his own opinion in a similar case, to justify their not allowing them:"—(Alluding to the case of Lord Cornbury, in which, Mr. Morris had taken, as a member of the Legislature, the present ground of the House.) "The subject," the Assembly further urged, "was so universally disliked in the colony, that there is none except those who are immediately concerned, in point of interest, or particularly, influenced by those who are, will say one word in its favour. And it is altogether unlikely, that, any Assembly in the colony, would look upon that to be a just debt, or apply any money for the discharge thereof; and that they could not conceive, that further recommendation of it, would be advantageous to the executors."

* See Appendix, W.

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CHAPTER VIII.

Comprehending Events from the death of Governor Morris to the death of Governor Belcher—from 1746 to 1757.—I. War with France—Proposal of Governor Shirley to attack the French Settlements, at Cape Breton—New Jersey votes two thousand Pounds for the Service—Favourable result of the Expedition.—II. Proposed attack on Canada—New Jersey Regiment raised and placed under the command of Colonel Philip Schuyler—March for Albany—Threatened Mutiny.—III. Plan of the proposed Campaign.—IV. Treaty of Peace.—V. Death of President Hamilton—Devolvement of the Government on President Reading—Arrival of Governor Belcher—His Character.—VI. Vexations arising from the Elizabethtown Claims under Indian Grants—the Assembly disposed to palliate the Conduct of the Rioters—Representation of the Council of Proprietors—their grievous Charge against the Members of Assembly, in a Petition to the King—the House transmits a counter Petition—Disingenuous conduct of the House.—VII. Disputes relative to the "Quota Bill."—VIII. Hostile proceedings of the French in America.—IX. Difference between the French and English, in their mode of cultivating Indian favour.—X. Efforts of the French to occupy the English Lands.—XI. Expedition of George Washington to Fort Venango.—XII. Measures of the English Government to resist French encroachments.—XIII. Convention of the Colonies—Plan of Union proposed by Dr. Franklin—Condemned by New Jersey—Military Expedition of Lieutenant Colonel Washington—is captured by the French under De Villiers.—XIV. Extensive military Preparations of Great Britain.—XV. Measures of New Jersey.—XVI. Arrival of Major General Braddock.—XVII. Convention of Governors to determine the Plan of the Campaign. XVIII. Acquisitions in Nova Scotia—Cruel treatment of the Neutrals.—XIX. New Jersey raises a Regiment for the Northern Expedition—Mr. Philip Schuyler named Colonel.—XX. March of General Braddock on the Western Expedition—Fastidiousness and Presumption of the General—is attacked and defeated.—XXI. Universal Consternation on this Defeat—Governor Belcher summons the Legislature—Inroads and Cruelties of the Indians—the Inhabitants of New Jersey give aid to those of Pennsylvania.—XXII. Success of the Northern Expedition.—XXIII. Provision against the Attack of the French and Indians.—XXIV. Plans proposed for the Campaign of 1756—Exertions of the Colonies.—XXV. War formally declared between Great Britain and France.—XXVI. General Shirley removed from the supreme command—General Abercrombie, and, subsequently, Lord Loudon appointed.—XXVII. Suspension of Indian Hostilities.—XXVIII. Sluggish military Efforts of the English—Success of the French in the North—Capture of part of the Jersey Regiment, with Colonel Schuyler, at Oswego—Disastrous termination of the Campaign.—XXIX. Renewal of Indian Barbarities.—XXX. Military Requisitions of Lord Loudon—New Jersey refuses to raise more than five hundred Men.—XXXI. Unsuccessful attempt of Lord Loudon on Louisburg.—XXXII. Success of Montcalm—New Jersey prepares to raise four thousand Men—the remainder of the Jersey Regiment captured by the Enemy.—XXXIII. Death of Governor Belcher—Biographical Notice of.—XXXIV. John Reading, President.

I. A masked war had been, for some time, carried on between France and Great Britain; and hostilities were openly declared by the former, on the 20th, and by the latter, on the 24th of March, 1744. In the spring of 1745, Governor Shirley, of Massachusetts, having conceived the design of attacking the French settlements at Cape Breton, and the conquest of Louisburg, the capital, endeavoured to enlist the other colonies in the enterprise. The capture of this place was greatly desirable, inasmuch as it was the largest and most commodious position of the French in America; affording safe harbourage for their largest vessels, and a rendezvous for their numerous privateers, now infesting the western shores of the Atlantic. As the

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design originated with the people of New England, and had not been sanctioned by the crown, Commodore Warren, the English commandant on the American station, declined to join Shirley in the attack. The Legislature of New Jersey, to whom the plan was not communicated before the expedition had sailed, also, declined to aid it; because there was not a single vessel in the service of the province, nor a ship belonging to private owners, that was fit for sea; and because the expedition not having received the approbation of the King, might disconcert the measures of the ministry. But when the House was, soon afterwards, informed, that the siege of Louisburg was earnestly prosecuted with his Majesty's consent, they unanimously voted two thousand pounds of the interest money, then in the treasury, for his Majesty's service, to be transmitted, in provisions, to General Shirley.

The plan, when communicated to the British government, had been warmly approved. Warren was commanded to repair to Boston, and to render all possible aid to the views of Shirley. He did not arrive, however, until after the provincial fleet had sailed, with six thousand men, under the command of Mr. Pepperel, a trader of Piscataqua. The result of the enterprise was highly honourable to its projectors and executors. The town surrendered after two months' siege, during which, the provincial forces displayed courage, activity, and fortitude, that would have distinguished veteran troops. The English historians have, shamefully, endeavoured to strip the colonies of this early trophy of their spirit and capacity. Smollet makes an equivocal statement of the facts, by which Warren is brought on the scene, before the departure of the provincial troops from Boston; when, in truth, they sailed without any expectation of his assistance, having a knowledge of his refusal to join them. The English ministry, though sufficiently forward to sustain the exclusive pretensions of their officers, was compelled by the merits of the provincials, to distinguish their leader, Pepperel, and to reward him with a baronetcy of Great Britain.

II. The ministry, having resolved to attempt the conquest of Canada, by a combined European and colonial force, communicated their instructions to the provincial governors, at the close of the month of May, 1746. President Hamilton laid them before the Assembly of New Jersey, on the 12th of June. The House resolved to raise and equip five hundred men for this service; for facilitating which, they offered to the recruit, six pounds bounty. So popular was the enterprise, that, in less than two months, six hundred and sixty men offered themselves for enlistment. From these, five companies were formed, and put at the charge of this province, and a sixth was transferred to the quota of New York. These troops, under the command of Colonel Philip Schuyler, reached the appointed rendezvous at Albany, on the 3d of September; where, the proposed invasion of the French provinces having been abandoned, in consequence of the failure of the supply of forces from England, they remained until the autumn of the next year, serving to overawe the Indians, and to protect the frontier. The pay promised by the crown, was tardily remitted, and the troops, at the rendezvous, became impatient of the delay. In April, 1747, the Jersey companies mutinied, and resolved to go off, with their arms and baggage, unless their arrears were paid up. To avert this evil, Colonel Schuyler despatched an express to President Hamilton, with an account of the disposition of the troops. The president recommended, to the Assembly, to provide for the pay, but the House having expended more than twenty thousand pounds in equipping, transporting, and victualling the detachment, declined to make further appropriations; and it was detained in service chiefly by the generous aid of the colonel, who supplied the wants of the soldiers; advancing many thousand pounds from his private funds.

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III. The proposed attack on the French possessions, originated with Governor Shirley, whose solicitations, enforced by the brilliant success at Louisburg, prevailed on the ministry to undertake it. A squadron of ships of war, having on board a body of land forces, commanded by Sir John St. Clair, was, as early as the season would admit, to join the troops of New England, at Louisburg; whence they were to proceed by the St. Lawrence, to Quebec. The troops from New York, and from the more southern provinces, were to be collected at Albany, and to march thence against Crown Point and Montreal. This plan, so far as it depended upon the colonies, was executed with promptness and alacrity. The men were raised, and waited, impatiently, for employment; but neither general, troops, nor orders arrived from England; and the provincial forces continued in a state of inactivity, until the ensuing autumn, when they were disbanded. This affair was one of the thousand instances of incapacity and misrule, which the parent state inflicted upon her dependant American progeny.

IV. No further material transactions took place in America during the war. Preliminary articles of peace were signed on the 30th of April; but hostilities continued in Europe and on the ocean, until October, 1748; when the definitive treaty was executed, at Aix-la-Chapelle; in which the great object of the war was wholly disregarded, the right of the British to navigate the American seas, free from search, being unnoticed. The Island of Cape Breton, with Louisburg, its capital, so dearly purchased by provincial blood and treasure, was given up under the stipulation, that all conquests should be restored; and the Americans had great cause to condemn the indifference or ignorance, which exposed them to future vexation and renewed hostilities, by neglecting to ascertain the boundaries of the French and English territories on the American continent.

V. President Hamilton, whose health was in a very precarious state, when the government devolved upon him, died about midsummer, 1747; and was succeeded by John Reading, Esq., the next eldest counsellor, who was soon afterwards displaced by Jonathan Belcher, Esq., appointed governor, by the crown. He met the Assembly for the first time, on the 20th August, 1747. Between this gentleman and the Legislature, for the space of ten years, considerable harmony prevailed. He seems to have adopted as a rule for his administration, the most entire submission to the wishes of the Assembly, where they did not interfere with the instructions from the king. In the latter case, he threw himself behind the royal will, as an impregnable rampart. He was sparing of words, and generally preferred, when required to communicate any matter to the House, to use those of the ministry, petitioner, or agent, as the case might be; rarely adding comments of his own, or embarking his feelings deeply in the subject. He was never obnoxious to the reproach of failing in his duty, and seldom displayed that indiscreet zeal which creates resistance, by the well known law, ruling alike in physics, as in morals; by which the reaction is always equal to the action. His temper was imperturbable, and though sometimes severely tried by the Assembly, by suspension of his salary, a point in which most colonial governors were extremely sensitive, he was unmoved.

VI. Two questions arising out of proprietary interests, vexed the whole term of his administration; and though he earnestly and successfully endeavoured to avoid becoming a party to them, he was made a sufferer in the contests between the council and Assembly. For more than thirty years, there had been no important controversy between the grantees of Carteret, and the Elizabethtown claimants, under the Indian title. But this peace was altogether consequent on the abstinence of the first, from enforcing their title

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and attempting the recovery of their rents. A large quantity of East Jersey lands, under the Carteret title, had gotten into the hands of Robert Hunter Morris, and James Alexander, Esquires, who held important offices in the province; the one being chief justice, the other secretary; and both, at times, were in the council. These gentlemen, with other extensive proprietors, during the life of Governor Morris, and towards the close of his administration, commenced actions of ejectment, and suits for the recovery of quit-rent, against many of the settlers. These immediately resorted to their Indian title for defence; and formed an association, consisting of a large proportion of the inhabitants of the eastern part of Middlesex, the whole of Essex, part of Somerset, and part of Morris counties; who were enabled, by their union and violence, to bid defiance to the law, to hold possession of the lands which were fairly within the Indian grant, and to add to their party a great many persons who could not, even under that grant, claim exemption from proprietary demands. The prisons were no longer competent to keep those whom the laws condemned to confinement. In the month of September, 1745, the *associators* broke open the gaol of the county of Essex, and liberated a prisoner, committed at the suit of the proprietaries; and during several consecutive years, all persons confined for like cause, or on charge of high treason and rebellion for resisting the laws, were released at the will of the insurgents; so that the arm of government, was in this regard, wholly paralyzed. Persons who had long holden under the proprietaries, were forcibly ejected; others compelled to take leases from landlords, whom they were not disposed to acknowledge; whilst those who had courage to stand out, were threatened with, and in many instances, received, personal violence.

The council and the governor were inclined to view these unlawful proceedings in the darkest colours; to treat the disturbers of the peace, as insurgents, rebels, and traitors, and to inflict upon them the direst severity of the laws. They prepared, and sent to the Assembly, a riot act, modelled after that of Great Britain, making it felony without benefit of clergy, for twelve or more, tumultuously assembled together, to refuse to disperse upon the requisition of the civil authority, by proclamation, in form set forth in the act. The Assembly not only rejected this bill, but sought to give a more favourable colour to the offences of the associators. The council of the proprietors, in a petition to the king, signed December 23d, 1748, by Andrew Johnson, president, represented, "that great numbers of men, taking advantage of a dispute subsisting between the branches of the Legislature of the province, and of a most unnatural rebellion at that time reigning in Great Britain, entered into a combination to subvert the laws and constitution of this province, and to obstruct the course of legal proceedings; to which end they endeavoured to infuse into the minds of the people, that neither your Majesty nor your noble progenitors, Kings and Queens of England, had any right whatever to the soil or government of America, and that their grants were void and fraudulent; and having by those means associated to themselves, great numbers of the poor and ignorant part of the people, they, in the month of September, 1745, began to carry into execution, their wicked schemes; when in a riotous manner, they broke open the jail of the county of Essex, and took from thence a prisoner, there confined by due process of law; and have, since that time, gone on like a torrent, bearing all down before them, dispossessing some people of their estates, and giving them to accomplices; plundering the estates of others, who do not join with them, and dividing the spoil among them; breaking open the prisons as often as any of them are committed, rescuing their accomplices, keeping daily in armed numbers, and travelling often in armed multitudes, to different parts of the province, for those purposes; so that your Majesty's government and laws have, for above three

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years last past, ceased to be that protection to the lives and properties of the people here, which your Majesty intended they should be."

"These bold and daring people, not in the least regarding their allegiance, have presumed, to establish courts of justice, to appoint captains and officers over your Majesty's subjects, to lay and collect taxes, and to do many other things in contempt of your Majesty's authority, to which they refuse any kind of obedience: That all the endeavours of the government to put the laws in execution, have been hitherto vain; for, notwithstanding many of these common disturbers stand indicted for high treason, in levying war against your Majesty, yet such is the weakness of the government, that it has not been able to bring one of them to trial and punishment: That the petitioners have long waited in expectation of a vigorous interposition of the Legislature, in order to give force to the laws, and enable your Majesty's officers to carry them into execution: But the House of Assembly, after neglecting the thing for a long time, have, at last, refused to afford the government any assistance; for want of which, your petitioners' estates are left a prey to a rebellious mob, and your Majesty's government exposed to the repeated insults of a set of traitors."

This grievous charge was unknown to the Assembly, until a copy of the petition of the proprietaries, was transmitted by the provincial agent. In October, 1749, the House sent a counter petition to the King, with the design of vindicating its conduct, in which it declared, "that the proprietaries of East New Jersey had, from the first settlement, surveyed, patented, and divided their lands, by Concessions, among themselves, in such manner as from thence many irregularities had ensued, which had occasioned multitudes of controversies and law suits, about titles and boundaries of land:—That, these controversies had subsisted between a number of poor people on the one part, and some of the rich, understanding, and powerful on the other part; among whom were James Alexander, Esq. a great proprietor, and an eminent lawyer, one of your Majesty's council, and surveyor-general for this colony, although a dweller in New York; and Robert Hunter Morris, Esq. chief justice, and one of your Majesty's council in the said colony: That the said Alexander and Morris, not yielding to determine the matter in contest, by a few trials at law, as the nature of the thing would admit, but on the contrary, discovering a disposition to harass those people, by a multiplicity of suits, the last mentioned became uneasy (as we conceive) through fear, that those suits might be determined against them, when considered, that the said Chief Justice Morris, was son of the then late Governor Morris, by whose commission the other judges of the Supreme Court acted; and by whom the then sheriffs, throughout the colony, had been appointed; and should a multiplicity of suits have been determined against the people, instead of a few only, which would have answered the purpose, the extraordinary and unnecessary charges occasioned thereby, would have so far weakened their hands, as to have rendered them unable to appeal to your Majesty in council; from whom they might expect impartial justice: That these are, in the opinion of the House, the motives that prevailed on these unthinking people, to obstruct the course of legal proceedings, and not any disaffection to your Majesty's person or government."*

If the council of proprietors, supported by the Legislative council, was disposed to aggravate the offences of the insurgents into high treason, it is apparent, that the Assembly were not less resolved to consider them of a very venial character; and their conduct, upon this occasion, was highly disingenuous. The House could not refuse, from time to time, to condemn,

* Votes of Assembly.

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in strong terms, the conduct of the rioters; but, no representation of the governor or council, could induce them, either to pass the riot act, or to arm the executive with military force, to capture the rioters, guard the prisons, or protect the public peace. If, indeed, the insurgents possessed a colourable title to the lands, and had been oppressed by a multiplicity of suits, which they were disposed to render unnecessary by submission to the law, as apparent on the decision of a few; if they had been content, with defending their own possessions, without disturbing those of others; the representations of the Assembly might have been less reprehensible. But the title of the insurgents was, on its merits, wholly unsustainable in an English court of justice, where a mere Indian right could never prevail against the grant of the King. The true solution of the course taken by the Assembly will be found, most probably, in their sympathy for the rioters, and their hostility towards the leading members of the council, who were large proprietaries. The public peace, from this cause, continued unsettled, for several years.

VII. The other subject which perplexed the administration of Governor Belcher, was a difference between the council and Assembly, on a bill for ascertaining the value of taxable property in each county, with the view to a new apportionment of their respective quotas. Among other property directed to be returned by this "Quota Bill," as it was termed, was "*the whole of all profitable tracts of land held by patent, deed, or survey, whereon any improvement is made.*" To this clause the council took objection on two grounds,—first, that it was in contravention of the royal instruction, prohibiting the governor from consenting to any act to tax unprofitable lands, and second, that it would be gross injustice, by taxing lands according to their quantity and not according to their quality, since tracts of land might, and, probably, would, be deemed *profitable*, when the greater number of acres were wholly unproductive. The council, therefore, proposed, to amend the act, by declaring, that nothing therein was intended, to break in upon the royal instruction, or to warrant the assessors to include any unprofitable lands in their lists. The House, roused by this attempt to modify what they deemed a money bill, denied the right of the council, to amend such bill, and refused themselves to alter it, so as to remove the objection.

There is much reason to believe that the Assembly intended, at a season, when taxation was becoming unusually heavy, to reach a portion of the unprofitable lands held by many of the rich proprietaries, but which had hitherto been protected by the royal instruction; and that they designed to make the whole of the lands pertaining to any improvement, whether wild or in culture, liable to taxation. The council, some of whose members were large proprietaries, were interested in firmly supporting the King's instruction; and in the space of a little more than three years, from 1747 to 1751, they impeded the passage of seven bills of like tenor; and as the "Quota Bill" was an indispensable preliminary to an act for the support of government, all the officers of the state were, during this period, deprived of their compensations. It was certainly unjust to require exemption from taxation for lands which, though yielding no annual returns, were daily growing in value, and increasing the wealth of the owner; yet there would not have been less injustice in exacting a tax proportioned on quantity alone, since one fertile acre happily located, might be worth a thousand of pine barren.

We extract from the minutes of the Assembly, parts of messages between the council and the Assembly, in order to show the manner in which these bodies treated each other, and to give somewhat of the form and colour of

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the times. Thus the council, in their address to the Assembly of the 19th of February, 1750, say—

"The Assembly, in their message, and in their address to his excellency, accuse us of having taken liberties upon us; as to which we think we have taken none, but what were our just right to take. But the liberties the Assembly have taken with his Majesty, with his excellency, our governor, with the magistrates of this and other counties, and with us, by those papers, and during this and former late sessions, (as will appear by their minutes) and by spreading base, false, scandalous, and injurious libels against us; we believe all sober and reasonable men will think unjustifiable—God only knows the hearts and thoughts of men. They have, it seems to us, even not left that his province uninvaded; for they take upon them to suggest our thoughts to be *not out of any great regard to his Majesty's instruction, that we have been led to make our amendment; but to exempt our large tracts of land from taxes;* when they well knew, that a majority of this House, are not owners of large tracts of land; and those who have such, do declare, they never had the least thought of having their lands exempted from taxes, consistent with reason and his Majesty's instructions."

The House, in their democratic pride, did not deign to reply directly to this reproach. But they ordered an entry to be made upon their minutes, declaring, "That it would be taking up too much time, at the public expense, for the House to make any particular answer thereto; nor, indeed, is it necessary, when considered, that the message itself, will discover the council's aim, in having the improved part, only, of tracts of land taken an account of, in future taxation; which, if admitted, would exempt the unimproved part of such tracts, from paying any part of the public tax: So that, should a gentleman be possessed of a tract of ten thousand acres of land, in one tract, worth ten thousand pounds, and only fifty acres of it improved; and a poor freeholder should be possessed of a tract of one hundred acres, only, worth but one hundred pounds, and fifty acres of it improved; the poor freeholder must pay as much as the gentleman; and this we may venture to say, (without invading the province of God, which the council are pleased to charge us with,) would be the obvious consequence of the bill, in question, if passed in the manner the council insist; and why, a poor man, worth only one hundred pounds, should pay as much tax as a gentleman, worth ten thousand pounds, will be difficult for the council to show a reason; but at present, we may set it down as a difficult and surprising expedient, indeed, to favour the poor.

"The council, instead of making it appear, that they have a right to amend the bill, as they have repeatedly resolved they had, have unhappily fell into the railing language of the meanest class of mankind; in such a manner, that had it not been sent to this House, by one of their members, no man could imagine that it was composed by a deliberate determination of a set of men, who pretend to sit as a branch of our Legislature. For, towards the close of the above said message, they charge us with having taken liberties with his Majesty, with his excellency, our governor, with the magistrates of this, and other counties, and with our having spread false, scandalous, and injurious libels against them, the said council; which, they say, they believe, all sober and reasonable men, will think unjustifiable. What liberties we have taken with his Majesty, otherwise, than to assert our loyalty to him, in our address to the governor, we know not: What liberties we have taken with the governor, unless it be, to tell him, the true reason of the government's being so long unsupported, and to represent the public grievances to him, for redress, we know not: What liberties we have taken with the gentlemen of the council, other than to tell them the truth, in modest,

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plain English, we know not. What liberties we have taken with the magistrates of this and other counties, unless it be to inquire into their conduct, upon complaints, and after a fair and impartial hearing, to represent their arbitrary and illegal proceedings, for redress, we know not;—and wherein we have been guilty of spreading false, scandalous, and injurious libels against the council, we know not. Therefore, it will be incumbent on them, to point out, and duly prove, some undue liberties we have taken, and libels spread, before any sober and reasonable men, will be prevailed on to condemn our proceedings, as unjustifiable; which we think they will not do, upon the slender authority of the council's insulting message to this House; which, in our opinion, is so far from being likely to prevail on any sober and reasonable men, to believe the false, scurrilous, and groundless charges, therein alleged against us; that it will rather discover the council to be men at least under the government of passion, if not void of reason and truth; and, until they recover the right use of their reason again, it will be fruitless for this House to spend time in arguing with them."

As it was now obviously impossible that the public business could proceed, whilst these important branches of the government ceased to treat each other with ordinary respect, the governor prudently dissolved the Assembly. The new House, which met on the 29th of May, 1751, consisted of a majority of new members, and was earnestly disposed to despatch the affairs of the province, as they evinced, by the passage of the quota bill, in a form, which dissipated the objections, that had hitherto prevailed against it; classifying lands, according to their quality, and making all which could in any way be deemed profitable, liable to taxation, at a rate depending on their class. This difficulty was scarce removed, before another, partaking of the same character, arose. In the adaptation of a new act, for the support of the government, to the principles furnished by the quota act, the council assumed the right to amend the bill; though such right had always been peremptorily denied them, by the House, in relation to all money bills, and in the present case, their amendments were unanimously rejected. As this was a point which the Assembly were resolute to maintain, they sought to get over the delay by making the governor a party to the bill, in their favour; and for that purpose, after it had been returned by council, sent it up directly, to him, that he might place it again before that body, accompanied with his influence for its passage. This course would have brought the form of administering the government back to that which it possessed, before the alteration made by Governor Morris, when the governor sat and debated with the council. But Mr. Belcher, declining to receive their bill, the House, unable to progress with it, was prorogued, and the public treasury still continued empty. Nor was it until February, 1752, after a delay of near four years, that a bill for the support of the government, received the approbation of every branch of the Legislature.

VIII. The treaty of Aix-la-Chapelle, which, in Europe, was but a hollow truce, was scarce regarded by the French, in America. Eager to extend their territories, and to connect their northern possessions with Louisiana, they projected a line of forts and military positions, from the one to the other, along the Mississippi and Ohio rivers. They explored, and occupied the land upon the Ohio; buried, in many places, through the country, metal plates, with inscriptions declaratory of their claims;* caressed and threatened the Indians by turns; scattered liberal presents, and prepared to compel by force, what should be refused to their kindness.

* In 1750.

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IX. In their Indian relations, the enterprise and industry of the French, were strongly contrasted with the coldness and apathy of the English. After the peace of 1748, the latter discontinued their attentions, even to those Indians they had induced to take up arms. They suffered the captives to remain long unransomed; their families to pine in want, and utterly disregarded the children of the slain; whilst the former, attentive to the vanity and interests of their allies, dressed them in finery, and loaded them with presents. Their influence over these untutored tribes, might have been greater, had they not sought to convert them to the Catholic faith; for the Indians fancied, that the religious ceremonies, were arts, to reduce them to slavery.* The French had, by this policy, succeeded in estranging the Indians on the Ohio, and in dividing the councils of the Six Nations; drawing off the Onondagoes, Cayugas, and Senecas. Their progress with these tribes, was rendered still more dangerous, by the death of several chiefs, who had been in the English interest, and by the advances of the British in the western country, without the consent of the aborigines.

X. In prosecution of their views of territorial acquisition, and seduction of the Indians, the French attacked the Twightees, and slew many, in chastisement of their adherence to the British and protection of English traders. The Ohio Company having surveyed large tracts of land upon the Ohio river, with the design of settlement, the governor of Canada remonstrated with the governors of New York and Pennsylvania, upon this invasion of the French territories; and threatened to resort to force, unless the English traders abandoned their intercourse with the Indians. These threats being disregarded, he captured some traders, and sent them to France, whence they returned, without redress. He also opened a communication from Presqu'isle, by French Creek, and the Alleghany river, to the Ohio; and though the Six Nations forbade him to occupy the Ohio lands, he contemned the present weakness of those tribes.

XI. Governor Dinwiddie, of Virginia, learning that the French designed to proceed southward, from Fort Venango, on French Creek, resolved to despatch an agent, for the double purpose of gaining intelligence, and remonstrating against their designs. For this duty, he selected Mr. George Washington, then a young man, under twenty years of age. He left the frontier, with several attendants, on the 14th of November, 1753, and after a journey of two months, over mountain and torrent, through morass and forest, braving the inclemency of the winter, and the howling wilderness, and many dangers from Indian hostility, he returned, with the answer of Legardeau de St. Pierre, the French commandant upon the Ohio, dated at the fort, upon Le Boeuff river. The Frenchman referred the discussion of the rights of the two countries to the Marquis du Quesne, Governor-in-chief of Canada; by whose orders, he had assumed, and meant to sustain, his present position. From De la Joncaire, a captain in the French service, and Indian interpreter, Washington received full information of the French designs. They founded their claim to the Ohio river, and its appurtenances, on the discovery of La Salle, sixty years before; and their present measures for its defence, had grown out of the attempts of the Ohio Company to occupy its banks.

XII. The British ministry, instructed in the views and operations of the French nation, on the American continent, remonstrated with the Court of Versailles. But, whilst that court publicly instructed the Governor of Canada to refrain from hostilities, to demolish the fortress at Niagara, to deliver up the captured traders, and to punish their captors, it privately informed him, that strict obedience was not expected. Deceived and insulted, the English

* MSS. Journals of Conrad Weiser. *Penes me.*

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monarch resolved to oppose force to force; and the American governors were directed to repel the encroachments of any foreign prince or state.

The English force in America, numerically considered, was much greater than that of the French; but divided among many and independent sections, its combined efforts were feeble and sluggish, whilst the French, directed by one will, had the advantages of union and promptitude, and drew the happiest hopes from the boldest enterprises. To resist them, effectually, some confederacy of the colonies was necessary, and common prudence required, that the affections of the Indians, towards the English, should be assured. A conference between the Six Nations, and the representatives of the colonies, was ordered by the ministry under the direction of Governor De Laney, of New York. Governor Belcher communicated this order to the Assembly of New Jersey, on the 25th of April, 1754. But the House refused on this, as upon every other occasion, theretofore, to take part in the Indian treaties; assigning as a reason, that their province had no participation in the Indian trade; professing, however, their readiness to contribute their assistance to the other colonies, towards preventing the encroachments of the French, on his Majesty's dominions, but declaring their present inability to do aught, on account of the poverty of their treasury. The reluctance which the Assembly displayed upon this subject, together with their rude reply to a remonstrance from the governor, provoked him to dissolve them.

The Six Nations, although large presents were made them, were cold to the instances of the confederate council, which met on the 14th of June. Few attended, and it was evident that the affection of all towards the English had diminished. They refused to enter into a coalition against the French, but consented to assist in driving them from the positions they had assumed in the West, and to renew former treaties.

XIII. In this convention of the colonies, several plans for political union were submitted, and that devised by Mr. Franklin, of which the following is an outline, was adopted on the 4th of July. A general colonial government was to be formed, to be administered by a president-general, appointed and paid by the crown; and a grand council of forty-eight members to be chosen for three years, by the colonial Assemblies, to meet at Philadelphia, for the first time, at the call of the President. After the first three years, the number of members from each colony was to be in the ratio of the revenue, paid by it to the public treasury; the grand council was to meet, statedly, annually, and might be specially convened, in case of emergency, by the president. It was empowered, to choose its speaker, and could not be dissolved, prorogued, nor kept together longer than six weeks at one time, without its consent, or the special command of the crown; with the president-general, to hold or direct all Indian treaties, in which the general interest of the colonies was concerned, and to make peace and declare war with Indian nations:—to purchase for the crown, from the Indians, lands not within particular colonies:—to make new settlements on such purchases, by granting lands in the King's name, reserving quit-rent to the crown, for the use of the general treasury:—to make laws regulating and governing such new settlements until they should be formed into particular governments, to raise soldiers, build forts and equip vessels of war; and for these purposes, to make laws and levy taxes:—To appoint a general treasurer, and a particular treasurer in each government; disbursements to be made only on an appropriation by law, or by joint order of the president and council; the general accounts to be settled yearly, and reported to the several Assemblies:—Twenty-five members to form a quorum of the council, there being present, one or more, from a majority of the colonies:—The assent of the president-general was requisite to

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all acts of the council, and it was his duty to execute them.—The laws enacted were to be as like as possible to those of England, and to be transmitted to the King in council for approval, as soon as might be after their enactment, and if not disapproved within three years, to remain in force. On the death of the president-general, the speaker was to succeed him, and to hold his office until the King's pleasure should be known. Military and naval officers, acting under this constitution, were to be appointed by the president, and approved by the council, and the civil officers to be nominated by the council, and approved by the president; and in case of vacancy, civil or military, the governor of the province in which it happened, was to appoint, until the pleasure of the president and council should be ascertained.

This plan was submitted to the board of trade in England, and to the Assemblies of the several provinces. Franklin* says, its fate was singular. The Assemblies rejected it, as containing too much prerogative; whilst in England, it was condemned as too democratic. Had it been adopted, the projector might have been famed as the forger of a nation's chains, instead of the destroyer of a tyrant's sceptre.† As a substitute, the British ministry proposed, that the governors of the colonies, with one or more members of the respective councils, should resolve on the measures of defence, and draw on the British treasury for the money required, to be refunded by a general tax, imposed by Parliament, on the colonies. But this proposition was deemed inadmissible by the provinces. The "plan of union," as adopted by the Congress, was laid before the Assembly of New Jersey in October. The House voted that if it should be carried into effect, "it might be prejudicial to the prerogative of the crown, *and* to the liberties of the people." They instructed their agent, at court, to petition the King and Parliament against its ratification.

In the mean time, Virginia had raised three hundred men, under the command of Colonel Fry and Lieutenant Colonel Washington. The latter marched with two companies, in advance, to the Great Meadows, in the Alleghany Mountains; where he learned, that the French had dispersed a party, employed by the Ohio company, to erect a fort on the Monongahela river; were, themselves, raising fortifications at the confluence of that river with the Alleghany, and that a detachment was then approaching his camp. It was impossible to doubt of the hostile intentions of this party, and Washington resolved to anticipate them. Guided by his Indians, under cover of a dark and rainy night, he surprised the French encampment, and captured the whole party, save one who fled, and Jumonville, the commanding officer, who was killed. Soon after, the whole regiment, the command of which had devolved on Mr. Washington, by the death of Mr. Fry, was united at the Great Meadows; and reinforced by two independent companies of regulars, the one from South Carolina, and the other from New York.—It formed an effective force of five hundred men. Having erected a stockade for protecting their provisions and horses, the troops marched to dislodge the enemy from Fort Du Quesne. But their progress was arrested by information of the advance of twelve hundred French and Indians. As the Americans had been six days without bread, had but a small supply of meat remaining, and dreaded the enemy would cut them off from their stores, they resolved to retreat to their stockade, to which they gave the name of Fort Necessity. Colonel Washington began a ditch around this post, but ere he could complete it, he was attacked by the French force under Mon-

* Memoirs.

† *Cœli eripuit fulmen sceptrumque tyrannis.*

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sieur de Villiers. The troops made an obstinate defence, fighting partly within the stockade, and partly in the ditch, half filled with mud and water, from ten o'clock in the morning until dark, when De Villiers demanded a parley, and offered terms of capitulation. During the night, articles were signed, allowing the garrison the honours of war, to retain their arms and baggage, and to return home unmolested. The last clause was not strictly kept, the Indians harassing and plundering the Americans during their retreat. The courage and conduct of Washington, on this occasion, were greatly applauded; and the Assembly of Virginia voted their thanks to him and his officers. The French retired to their post on the Ohio.*

The attack, on the part of Jumonville, without summons or expostulation, was deeply reprobated by the French. Whilst peace prevailed between the two nations, hostility, they said, should not have been presumed. They have called the death of that officer, an assassination, even in the capitulation of Fort Necessity; the attack on which, they state to have been made, in consequence of the outrage upon their advance party. These allegations are refuted, by a review of the conduct of the French, since the development of their designs upon the Ohio. The capture of the persons and property of the settlers, at Logtown, and of the Indian traders, wherever found in the western country, afforded conclusive evidence of their intention to try the disputed title by force; and they could not, justly, complain of the reply to their argument.†

With great industry, the French completed Fort Du Quesne, at the confluence of the Monongahela and Alleghany rivers, where the thriving city of Pittsburg now stands; garrisoned it with one thousand regulars, amply supplied with cannon, provisions, and other munitions; and prepared to occupy the country of the Twightees, with numerous settlers. The Six Nation Indians, now more numerous on the western waters, than in their ancient seats, indifferent to the English cause, and divided among themselves, barely maintained their neutrality. Some of them had removed to Canada, preferring the protection of the active and enterprising French commanders. The small body of British troops, collected on the frontiers, was weakened by desertion, and corrupted by insubordination; whilst the Indians who still adhered to their interest, retired to Aughwick, in Pennsylvania, where they proclaimed their admiration of the courage of the enemy, and their contempt of the sloth of their friends; and were scarcely kept in quiet, by the liberality of the Assembly of Pennsylvania to their families, and its forbearance towards the license of their chiefs.

XIV. At length, however, Great Britain prepared to oppose, energetically, the growing power of her restless rival in the Western World. Two regiments of foot from Ireland, under the command of Colonels Dunbar and Halkett, were ordered to Virginia, to be there enforced; and Governor Shirley and Sir William Pepperell were directed to raise two regiments, of a thousand men each, to be officered from New England, and commanded by themselves. The provinces, generally, were required, to collect men for enlistment, to be placed at the disposal of a commander-in-chief of rank and capacity, who would be appointed to command all the King's forces in America; to supply the troops on their arrival with provisions, and to furnish all necessaries for the soldiers landed or raised within the province; to provide

* Marshall's Washington. Bradford's Journal. Review of Military Operations in North America. London, 1757.

† Colonel Washington, who was ignorant of the French language, was unable to read the articles of capitulation, and was, therefore, obliged to rely on an interpreter, who rendered the word "*assassinat*" into the word "*death*" merely.—*Wash. Lett.*

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the officers with means for travelling, for impressing carriages and quartering troops. And as these were "local matters, arising entirely within their colonies," his Majesty informed his subjects, that he expected the charges thereof to be borne by them in their respective provinces, whilst articles of more general concern would be charged upon a common fund to be raised from all the colonies of North America; towards which, the governors were severally requested to urge the Assemblies to contribute liberally, until a union of the northern colonies, for general defence, could be effected.

XV. The Assembly of New Jersey, before whom Governor Belcher laid these requisitions in February, and who were incited to prompt and liberal measures by the solicitations of their constituents, praying the House to pass such bills as might be necessary (in proportion with the other colonies) to assist his Majesty in driving the French from their fortifications on the Ohio, and in defence of the frontiers, appropriated five hundred pounds for the subsistence of the royal troops, during their march through the colony, and transportation of their baggage; and also at the instance of Governor Shirley, passed an act to prevent the exportation of provisions, naval or warlike stores to any of the French dominions. The House excused themselves from appropriating a larger sum, under pretence, that by a bill passed at a previous session, and sent to England for the approbation of the King, they had granted for his Majesty's service, ten thousand pounds. This bill provided for issuing in bills of credit, the sum of seventy thousand pounds; and the House had just reason to believe, that it would receive the royal sanction, since they had the assent of the board of trade and plantations, to issue sixty thousand pounds, and the surplus was given to the national use. But the objections to provincial paper currency in England, could not yet be overcome.

XVI. Major-general Braddock, Sir John St. Clair, adjutant-general, and the regiments of Dunbar and Halkett, which sailed from Cork on the 14th of January, 1755, arrived early in March at Alexandria, in Virginia, whence they marched to Fredericktown, in Maryland. The place of debarkation was selected with that ignorance and want of judgment, which then distinguished the British ministry. The country could furnish neither provisions nor carriages for the army, whilst Pennsylvania, rich in grain, and well stocked with wagons, could readily have supplied food and the means of transportation; and from this source the general, with the aid of Mr. Benjamin Franklin, drew finally the means of making the expedition against the French in the West.

XVII. A convention of the Governors of New York, Massachusetts, Maryland, and Virginia, convened at Annapolis, to settle with General Braddock, a plan of military operations. Three expeditions were resolved on. The first, against Fort Du Quesne, under the command of General Braddock, in person, with the British troops, and such aid as he could draw from Maryland and Virginia,—the second, against Forts Niagara and Frontignac, under General Shirley, with his own and Pepperell's regiments—and the third, originally proposed by Massachusetts, against Crown Point, to be executed altogether with colonial troops from New England, New York, and New Jersey, under Major-general William Johnson.

XVIII. Whilst these measures were in embryo, an attack conducted by Lieutenant-colonel Monckton, a British officer, and Lieutenant-colonel Winslow, a major-general of the Massachusetts militia, was made against the French who had possessed themselves of a portion of the country claimed by the English, for the province of Nova Scotia. In little more than a month, with the loss of three men, only, possession was obtained of the whole province according to the British definition of its boundaries. This easy conquest elated the colonies, and produced sanguine anticipations of the results of their

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future efforts. But their present success was disgraced by scenes of devastation and misery, scarce paralleled in modern history.

The inhabitants of Nova Scotia were chiefly of French descent. By the treaty of Utrecht, (1713,) they were permitted to retain their lands, taking the oath of allegiance to their new sovereign, with the qualification, that they should not be compelled to bear arms against their Indian neighbours, or their countrymen; and this immunity was, at subsequent periods, assured to their children. Such was the notoriety of this compact, that, for half a century, they had borne the name, and with few exceptions, maintained the character of neutrals. But, now, excited by this ancient love of France, by their religious attachments, and their doubts of the English rights, some of these frugal, industrious, and pious people, were seduced to take up arms. Three hundred were found in the fortress of Beau Sejour, at its capture, but it was stipulated, that they should be left in the same situation, as when the army arrived, and should not be punished for any thing they had subsequently done. Yet, a council was convened by Lawrence, Lieutenant Governor of Nova Scotia, at which Admirals Boscawen and Moyston assisted, to determine the fate of these unfortunate people. Their elders were required to take the oath of allegiance to the British monarch, without the exemption, which, during fifty years, had been granted to them and their fathers. Upon their refusal, although, out of a population of seven thousand, three hundred only had borne arms, the council resolved to expel all from their country, to confiscate their property, money and household goods excepted, to lay waste their estates, and burn their dwellings. The public records and muniments of title, were seized, and the elders of the people treacherously made prisoners. Governor Lawrence, with great presumption, and total disregard of the rights of the neighbouring provinces, imposed a heavy and durable burden upon them, in the reception and maintenance of this devoted race. In transporting them to their several destinations, the charities of blood and affinity were wantonly torn asunder. Parents were separated from their children—and husbands from their wives. Among many instances of this barbarity, was that of René Le Blanc, who had been imprisoned four years, by the French, on account of his English attachments. The family of this venerable man, consisting of twenty children, and about one hundred and fifty grand-children, were scattered in different colonies; and himself, with his wife and two children only, were put on shore at New York.

XIX. The province of New Jersey, in a continental war, dreaded most, an attack from Canada, by the way of New York, and scarce felt any apprehension of danger, from the French and Indians on the Ohio. The Assembly cordially approved of the plan of operation adopted at Annapolis, and, particularly of the expedition against Crown Point; and resolved, immediately, to raise a battalion, of five hundred men, for the maintenance of which, they issued bills of credit, for £15,000, redeemable within five years. The governor nominated Mr. Peter Schuyler, with the rank of colonel, to the command of this force; and that gentleman's popularity was such, that the battalion was not only promptly filled, but a much larger number of men, presented themselves for enlistment, than were required. The arms for these troops, of which the colony was almost wholly unprovided, were procured from Virginia, at the cost of the Assembly.

XX. General Braddock having removed his army to Fort Cumberland, on Wills's Creek, on his way to the west, received there, his wagons, and other necessary supplies; and being, at length, after many delays, amply furnished with all the munitions he required, and also reinforced by a considerable body of Americans and Indians, broke up his encampment on the 12th of June, and passed the Alleghany mountain, at the head of two

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thousand two hundred men. On reaching the Little Meadows, five days' march from Fort du Quesne, he convoked a council of war, to consult on future operations. Colonel Washington, who had entered his family, as a volunteer aid-de-camp, and who possessed a knowledge of the country, and of the nature of the service, had urged the substitution of pack horses for wagons, in the transportation of the baggage, now renewed his advice; and earnestly and successfully recommended, that the heavy artillery and stores should remain with the rear division, and follow by easy marches, whilst a chosen body of troops, with a few pieces of light cannon and stores, of absolute necessity, should press forward to Fort du Quesne. Twelve hundred men, and twelve pieces of cannon, being selected, were commanded by General Braddock, in person. Sir Peter Halkett, acted as brigadier, having under him Lieutenant-colonels Gage and Burton, and Major Spark. Thirty wagons, only, including those with ammunition, followed the march. The residue of the army remained under the care of Colonel Dunbar and Major Chapman.

The benefit of these prudent measures was lost by the fastidiousness and presumption of the commander-in-chief. Instead of pushing on with vigour, regardless of a little rough road, he halted to level every molehill, and to throw bridges over every brook, employing four days to reach the great crossings of the Youghiogany, nineteen miles from the Little Meadows. On his march, he neglected the advantage his Indians afforded him, of reconnoitering the woods and passages on the front and flank, and even rejected the prudent suggestion of Sir Peter Halkett, on this subject, with a sneer at his caution.*

This overweening confidence and reckless temerity were destined to a speedy and fatal reproof.† Having crossed the Monongahela river, within seven miles of Fort du Quesne, wrapt in security, and joyously anticipating the coming victory, his progress was suddenly checked, by a destructive fire, on the front and left flank, from an invisible enemy. The van was thrown into confusion; but the main body, forming three deep, instantly advanced. The commanding officer of the enemy having fallen, it was supposed from the suspension of the attack, that the assailants had dispersed. But the delusion was momentary. The fire was renewed with great spirit, and unerring aim; and the English, beholding their comrades drop around them, unable to see the foe, or tell whence their death arrived, broke and fled in utter dismay. The general, astounded at this sudden and unexpected attack, lost his self-possession, and neither gave orders for a regular retreat, nor for his cannon to advance and scour the woods. He remained on the spot where he first halted, directing the troops to form in regular platoons against a foe dispersed through the forest, behind trees and bushes, whose every shot did execution. The officers behaved admirably; but distinguished by their dresses, and selected by the hidden marksmen, they suffered severely; every one on horseback, except Washington, was killed or wounded; he had two horses killed under him, and four balls through his coat. Sir Peter Halkett was killed on the spot; and the general himself, having been five times dismounted, received a ball through the arm, and lungs, and was carried from the field of battle. He survived only four days. On the first, he was totally silent, and at night, only said, "Who would have thought it?" He was again silent until a few minutes before his death, when he observed, "We shall better know how to deal with them another time."

The defeat was total—the carnage unusually great. Sixty-four, out of

* Marshall; Wash. Lett. † July 9, 1755.

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eighty-five officers, and one-half the privates, were killed or wounded. Many fell by the arms of their fellow soldiers. An absolute alienation of mind, seems to have fallen upon the regular troops. In despite of the orders of the officers, many gathered in squads of ten or twelve deep, and in their confusion, shot down the men before them; whilst the troops in line fired on the provincials wherever they saw a smoke, or heard a shot from behind trees. Captain Waggoner, of the Virginia forces, who had taken an advantageous position on the flank, with eighty men, was driven from it by the British fire with the loss of fifty.* Fortunately, the Indians were held from pursuit by the desire of plunder. The artillery and military stores, even the private cabinet of the commander-in-chief, containing his instructions, fell into the hands of the enemy, whose whole force was computed at three hundred men.

The fugitives continuing their flight to Dunbar's division, so infected it with their terror, that, though the enemy did not advance, all the artillery and stores collected for the campaign, except those indispensable for immediate use, were destroyed, and the remnant of the army marched to Fort Cumberland. The loss in this engagement would have been still greater, but for the coolness and courage of the colonial troops. These, whom Braddock had contemptuously placed in his rear, so far from yielding to the panic which disordered the regulars, offered to advance against the enemy, until the others could form and bring up the artillery; but the regulars could not again be brought to the charge, yet the provincials actually formed and covered their retreat. The conduct of the Virginia troops merits the greatest praise. Of three companies brought into the field, it is said, scarce thirty escaped uninjured. Captain Peyroney and all his officers, down to the corporal, were killed. Captain Polson's company shared almost as hard a fate; the captain himself being killed, and one officer only escaping. Of the company of light-horse, commanded by Captain Stewart, twenty-five out of twenty-nine were slain.†

This misfortune is solely to be ascribed to the misconduct of the general. Presumptuous, arrogant, and ignorant, he had no quality save courage to insure success. Unacquainted with the country, and the Indian mode of warfare, he neglected the suggestions of the Duke of Cumberland, whose instructions seem predicated on a prescience of his conduct, and the advice of his American officers, to employ his Indians in guarding against ambush and surprise. He neglected and disobliged the Virginians, and behaved with insupportable haughtiness to all around him. With a lethargy in all his senses, produced by self-sufficiency, he led his troops to be defeated and slaughtered by a handful of men, who intended only to molest their march.‡

Dunbar proposed to return with his army, yet strong enough to meet the enemy, to Philadelphia; but consented, on the remonstrance of the Assembly of Pennsylvania, to keep the frontiers. He requested a conference with Governor Morris, at Shippensburg; but Governor Shirley having succeeded to the chief command of the forces in America, though at first he directed Dunbar to renew the enterprise on Fort Du Quesne, and to draw upon the neighbouring provinces for men and munitions, changed his mind, and determined to employ his troops elsewhere, leaving to the populous provinces of Pennsylvania, Maryland, and Virginia, the care of their own defence.

* Penn. Records.

† Penn. Gaz.

‡ Modern Univ. Hist. Marshall. Franklin. Richard Peters' Report to Council. W. Shirley's letter to Governor Morris. See note Z, Appendix.

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XXI. The defeat of General Braddock, wholly unexpected, produced great consternation throughout all the colonies. Upon receipt of intelligence of this extraordinary event, as Governor Belcher properly termed it, he summoned the Assembly of New Jersey, to meet him on the 1st of August; but it was not until the approach of winter, that they became fully aware of its disastrous consequences, and began to prepare against them. The enemy, long restrained, by fear of another attack, could scarce credit his senses, when he discovered the defenceless state of the frontiers; and now roamed, unmolested and fearlessly, along the western lines of Virginia, Maryland, and Pennsylvania; committing the most appalling outrages, and wanton cruelties, which the cupidity and ferocity of the savage could dictate. The first inroads were in Cumberland County, Pennsylvania, whence, they were soon extended to the Susquehanna; and thence through Berks and Northampton Counties, across the Delaware, into New Jersey. New horrors were given to these scenes, by the defection of the Shawanese and Delaware Indians, who had hitherto continued faithful, and had repeatedly solicited employment against the French and their allies, with threats, that unless engaged with the English, they would take part against them. These threats had been humanely, if not wisely, withstood; and now, irritated by the love of blood, and of plunder, and the hopes fed by the French, of recovering the lands they had sold, these savages openly joined the foe. To the perversion of these tribes, the Delaware chiefs, *Shingas* and *Captain Jacobs*, were highly instrumental. They had been loaded with presents and favours, by the provincial authorities of Pennsylvania, and the principal inhabitants of Philadelphia; and their defection and perfidy, justly awakened the anger of the citizens of that province; who, with the approbation of the governor, proclaimed a reward of seven hundred dollars for their heads.

In the month of November, these barbarous wretches laid waste the settlements in Northampton county, not sparing even those of the Moravians, who had ever treated them and their brethren, with the greatest kindness. Gnadenhutten, on the Lehigh, was attacked, and several of its inhabitants slaughtered; and the other Moravian stations soon shared a like fate. A letter from the Union Iron Works, New Jersey, dated 20th December, 1755, says, "the barbarous and bloody scene, which is now open in the upper parts of Northampton County, is the most lamentable, that has perhaps ever appeared. There may be seen horror and desolation; populous settlements deserted—villages laid in ashes—men, women and children, cruelly mangled and massacred—some found in the woods, very nauseous, for want of interment—some just reeking from the hands of their savage slaughterers—and some hacked, and covered all over with wounds." To this letter was annexed, a list of seventy-eight persons killed, and more than forty settlements burned.

A letter from Easton, of the 25th of the same month, states, that "the country, all above this town, for fifty miles, is mostly evacuated and ruined. The people have, chiefly, fled into the Jerseys. Many of them have threshed out their corn, and carried it off, with their cattle, and best household goods; but a vast deal is left to the enemy. Many offered half their personal effects, to save the rest; but could not obtain assistance enough, in time to remove them. The enemy made but few prisoners; murdering almost all that fell into their hands, of all ages, and both sexes. All business is at an end; and the few remaining, starving inhabitants, in this town, are quite dejected and dispirited."

The panic, which foreran the savage monsters, seemed to deprive their prey, of the means of concerting defence and retaliation. And the farmers, intoxicated with hope, or stupefied by fear, suffered the invader to approach

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their solitary and undefended homesteads, without an effort to stop them on the way. This was the effect of a long period of peace, and the consequent total inexperience of warfare, as well as of the manner by which the assailants conducted their attacks. They wandered over the country, in small parties, concealing themselves, whilst danger was near, and pouncing, suddenly, upon the unprepared, generally during the darkness of the night; they made undistinguished slaughter; and frequently consumed their victims, upon the funeral piles formed of their dwellings. This senseless, and emasculating fear, seems to have spent itself, on the right bank of the Delaware.

The inhabitants of New Jersey, roused by the sufferings of their neighbours, prepared seasonably, not only to resist the foe, but to protect their friends. Among the energetic citizens of Sussex County, Colonel John Anderson was most conspicuous. With four hundred men, whom he collected, he scoured the country, marched to the defence of Easton, and pursued the dastard enemy, unhappily, in vain. The governor promptly despatched troops from all parts of the province, to the defence of its western frontier; and the wealthy inhabitants advanced the funds requisite for their maintenance, until the Assembly, in the middle of December, took such troops, upon the provincial establishment, and recalled their battalion, under Colonel Schuyler, from the northern service, where it was then idle; and placed them, also, on the frontier. To meet the expenses thus incurred, the House, though greatly chagrined, at the rejection, by the King, of their bill, for a paper currency, voted £10,000, in such bills, redeemable at the usual period of five years.*

XXII. The troops destined for the northern expeditions, assembled at Albany, on the close of June, but were not equipped for the field, until the last of August. General Johnson proceeded to the southern shore of Lake George, on his way to Ticonderoga, where he received information of the approach of Baron Dieskau, at the head of twelve hundred regulars, and six hundred Canadians and Indians. He detached Colonel Williams, with one thousand men, to reconnoitre, and to skirmish with the enemy. Engaging with the foe, the detachment was overthrown, put to flight, and its commander killed. A second detachment, sent to the aid of the first, experienced a like fate: both were pursued to the camp, where they found shelter, behind a breast-work of fallen trees, which the American army had thrown up, in its front. The artillery, which had lately arrived, was served with effect; and though the Baron advanced firmly to the charge, his militia and Indians deserted him, and he was compelled with his regulars to retreat. In the pursuit, which was close and ardent, Dieskau, mortally wounded and abandoned, was made prisoner. A scouting party, under the command of Captains Folsom and Maginnis, from Fort Edward, fell on the baggage of the enemy, routed the guard, and immediately after engaged with the retreating army; which, surprised by an enemy whose force it did not know, fled precipitately towards the posts on the lake. This repulse of Dieskau, though not followed up by Johnson, was magnified into a splendid victory; served in some measure, to relieve the effect of Braddock's defeat, and procured the fortunate general, a present of five thousand pounds sterling, from the House of Commons, and the title of baronet, from the King. This army was soon after discharged, with the exception of six hundred men, retained to garrison Forts Edward and William Henry. The French seized and fortified Ticonderoga.

General Shirley, at the head of the expedition against Niagara and Fron-

* Votes.

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tignac, did not reach Oswego, on Lake Ontario, until late in August. His force consisting of about thirteen hundred regulars, and one hundred and twenty militia and Indians, he divided; embarking between six and seven hundred men, for Niagara, and leaving the remainder at Oswego. But he had scarce embarked, before the rains set in with fury, and his Indians, discouraged, dispersed. It was apparent, that the season was now too far advanced for the accomplishment of his design, which, by the advice of a council of war, was abandoned. A garrison of seven hundred men was left at Oswego, to complete the works, and the general returned to Albany.

XXIII. The marauding parties of French and Indians hung on the western frontiers during the winter. To guard against their devastations, a chain of forts and block-houses, were erected by Pennsylvania, along the Kittatinny or Blue Mountain, from the river Delaware to the Maryland line, commanding the principal passes of the mountains. In New Jersey, forts and block houses were also erected along the mountain, and at favorable points on the east bank of the Delaware river. Although the inroads of the savages across the river were infrequent, yet the fear which every one on the frontier felt, that his midnight slumbers might be broken by the warwhoop, or that his dwelling and out-houses might be consumed before the morning's dawn, was sufficient to disturb the repose of the most courageous. Many left their homes, and all called loudly upon the Assembly for additional means of defence. And in the spring, when the Jersey regiment was again to proceed to the north, the House authorized the enlistment of two hundred and fifty volunteers, to supply their place and that of the militia on the frontier. Two hundred of this force were also destined to unite with any troops that might be organized by other colonies, for pursuing the brutal enemy to his den, and making him, in the sufferings of his wives and his children, feel the horrors which he had delighted to inflict. The provincial force on the frontier was, subsequently, increased, and the whole was commanded by Colonel De Hart.

XXIV. Governor Shirley, having been appointed commander-in-chief, summoned, in the spring of the year 1756, the governors of the northern and middle colonies to settle the plan of the ensuing campaign. The council resolved on raising ten thousand two hundred and fifty men; to attack Niagara, that the communication between Canada and Louisiana might be cut off; to reduce Ticonderoga and Crown Point, that the command of Lake Champlain might be obtained, and New York be freed from the apprehension of invasion; to besiege Fort Du Quesne; and to detach a body of forces, by the river Kennebeck, to alarm the capital of Canada. This plan was too extensive for the means which General Shirley possessed; and served only to dissipate the strength, which more concentrated efforts might have rendered serviceable.

In enlisting troops for the approaching campaign, the recruiting parties in Pennsylvania and New Jersey, gave great offence to the inhabitants, by the reception, if not, the seduction of their indented servants; and the Assembly of the latter province threatened to discontinue the regiment they had furnished, unless this grievance were redressed. Circumstances, however, did not admit the discharge of such recruits to any great extent; of which the House, becoming sensible, it appropriated £15,000, for the maintenance of that regiment for the ensuing campaign. Extraordinary inducements were offered at this time, for enlistment in the royal regiments. The recruits were exempted from service any where but in North America, and were promised a bounty of two hundred acres of land, free from quit-rents, for ten years, either in the province of New York, New Hampshire, or Nova Scotia, at their option; to be assured, in case they should be killed in the service, to

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their children. And to stimulate the provinces to liberal appropriations, as occasion might require, Parliament voted £115,000 sterling, to be distributed at the King's pleasure, among the northern and middle provinces, of which New Jersey received five thousand pounds.

XXV. Though France and England had been engaged in the warmest hostilities, in America, since 1754, the peace was not openly and avowedly broken in Europe, until May, of the present year. The events in America, in 1754, had determined each to despatch considerable reinforcements to the colonies. The French, understanding that orders had been given to Boscawen, to intercept their squadron, declared they would consider the first gun fired as a declaration of war; and their minister was recalled from London, in consequence of an attack upon their fleet, by that admiral. The British government instantly issued letters of marque, under which a large number of French merchant ships, and seven thousand French sailors, were captured. A blow which had great effect upon the subsequent operations of the war, in Europe and America.

XXVI. Either from want of confidence in the military talents of General Shirley, or that, he might give them information on American affairs, the ministry removed him from his command, and summoned him to England. General Abercrombie succeeded him; with whom came out two additional regiments. But the chief direction of the war was soon after given to the Earl of Loudon, who was appointed governor of Virginia, and colonel of the royal American regiment, which had been lately formed from the German emigrants.

XXVII. In the mean time, Sir William Johnson had succeeded, by the mediation of the Six Nations, in disposing the Shawanese and Delawares to an accommodation. Hostilities against them were suspended, and the treaty of peace was soon after ratified at Easton. This was the withdrawal of one painful thorn from the side of the colonies; and the chastisement inflicted by Colonel Armstrong of Pennsylvania,* by the destruction of the den of the horde, at Kittanning, soon extracted another. The conflagration of that town, and slaughter of the Indian families there, was a severe stroke upon the savages. Hitherto, the English had not assailed them in their towns, and they fancied, would not venture to approach them. But, now, though urged by unquenchable thirst of vengeance to retaliate the blow, they dreaded, that, in their absence on war parties, their wigwams might be reduced to ashes. Such of them as belonged to Kittanning, and had escaped the carnage, refused to settle again on the east of Fort Du Quesne; resolving to place that fortress and the French garrison between themselves and the English.

XXVIII. Of the many enterprises resolved on by General Shirley, several were unattempted; none were successful. Notwithstanding the exertions in the northern provinces, the recruiting service moved heavily. Much time was lost by the change of commanders; and the season for operation was nearly half spent, before the arrival of Lord Loudon. No preparations were made against Fort Du Quesne. The colonies of Virginia, Maryland, and Pennsylvania, far from pursuing offensive measures, were unable to protect themselves. The expedition against Ticonderoga and Crown Point, was confided to General Winslow, who had won golden opinions during his last campaign, in Nova Scotia. Seven thousand provincialists had assembled near Lake George, but their number was reduced by subtractions for the garrisons in their rear. Winslow refused to proceed without reinforcements; and though soon after strengthened by some British troops, under General Abercrombie,

* September 8th, 1756.

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he was perplexed and embarrassed by disputes relative to rank, which grew out of this junction. The regulations of the crown, on this subject, had given great offence in America; and such was the reluctance of the provincialists to serve under British officers, that, in the present case, in order to enable the troops to act, separately, the Americans were withdrawn from the garrisons to the army, and their places supplied with British forces. The expedition to Ontario was rendered hopeless by the successes of the French under Montcalm, who had captured the forts of Ontario and Oswego, situate on either side of the Onondago river, at its junction with the lake. These forts in the country of the Six Nations, he, with sound policy, destroyed, in their presence. At the capture of Oswego, Colonel Schuyler, and half the Jersey regiment, which formed part of the garrison, were made prisoners and sent to Canada; from whence they were not released, until the end of the campaign, and then on parole, not to serve for eighteen months. The regiment was, however, recruited to its original state of five hundred men, at the expense of the province, early in the ensuing spring.

Discouraged and disconcerted by these events, Loudon relinquished all offensive operations, and disposed his troops for the defence of the frontier. Renewed efforts to increase his force were rendered abortive by the appearance of the small-pox at Albany. The troops which were on the march from New England, and the army at Lake George, were panic-struck by the irruption of an enemy more dreadful than the French; and it became necessary to garrison all the posts with British troops, and to discharge the provincialists, excepting one regiment raised in New York. Thus terminated, for a second time, in defeat and utter disappointment, the sanguine hopes, formed by the colonists, of a brilliant and successful campaign. Much labour had been employed, and much money expended, in collecting, by land, from a great distance, troops, provisions, and military stores, at Albany, and in transporting them through an almost unsettled country, to Lake George; yet not an effort had been made to drive the invaders even from their outposts at Ticonderoga.

XXIX. The treaty with Teedyuscung, had neutralized the Delaware and Shawanese tribes on the Susquehanna, but the country was still exposed to the inroads of the French and western Indians, who, growing confident from the late disasters of the English, roamed, in small parties, avoiding or attacking the forts and armed provincialists, as they judged most safe. The counties of Cumberland, Lancaster, Berks, and Northampton, in Pennsylvania, and, occasionally, a part of Sussex, in New Jersey, were, during the spring and summer months of 1757, kept in continual alarm, and some of the scalping parties penetrated to within thirty miles of Philadelphia. Many of these wretches paid with their lives, the just penalty of their temerity. But their sufferings were not comparable with those of the unfortunate inhabitants. Incessant anxiety pervaded every family in the districts we have named; their slumber was broken by the yell of demons, or by dread of attack, scarce less horrible than their actual presence. The ground was ploughed, the seed sown, and the harvest gathered, under the fear of the tomahawk and rifle. Women visiting their sick neighbours, were shot or captured; children, driving home cattle from the field, were killed and scalped; whilst the enemy, dastardly as cruel, shrunk from every equality of force. Many of the richest neighbourhoods were deserted, and property of every kind abandoned: extraordinary heroism was frequently displayed by men, women, and children, in defence of themselves and their homes, and in pursuit of, and combat with, the enemy. There was certainly great want of ability and energy in the constituted authorities, British and Provincial. United councils, and well directed efforts, would have driven the bar-

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barians to their savage haunts, and repeated the chastisement, administered at Kittanning, until they sued for peace. The Assembly of New Jersey, however, was not regardless of the danger and sufferings of her frontier citizens, and kept on foot, for their protection, a body of rangers, consisting of one hundred and twenty men, under Captain Gardiner; who, though they could not prevent occasional invasions of the foe, gave as much security to the frontier as circumstances would admit.

XXX. Lord Loudon, in the middle of January, summoned the Governors of the New England provinces to New York. In no very good humour he attributed to them, the disasters of the late campaign. "Their enterprise against Crown Point," he said, "had not been timely communicated to the ministry; their troops were inferior to his expectations, disposed to insubordination, and less numerous than had been promised; the true state of the forts and garrisons had not been reported to him, and the provincial Legislatures had given him votes, instead of men and money." He concluded this reprimand with a requisition for additional troops from New England, New York, and New Jersey. The spirit of the colonists, however, was not to be broken by misfortune, caused by the incapacity of the ministry of the parent state, and her delegated satraps, nor to be perverted by unmerited reproaches. His demands were, generally, complied with; and he was placed, in the spring, at the head of a respectable army, to tempt his fortune under his own star. The New England provinces exerted themselves greatly at this time, and authorized a draft, or conscription, should their quotas not be completed by voluntary enlistment. The force required from New Jersey was one thousand men; but the Assembly conceiving five hundred to be their full proportion, refused to do more than complete their regiment; and in an answer to the proposal of Governor Belcher, that they should, also, authorize a draft, they peremptorily declared by a vote of 12, to 7, "that they were determined not to oblige or compel any of the inhabitants by force, to serve as soldiers."

XXXI. The failures of the past year were attributed to the multiplied objects of the campaign, and the consequent division of the forces. Unity of design, and concentration of the troops, it was presumed, would ensure success. It was therefore resolved, that Louisburg should be attacked; and Halifax was fixed as the rendezvous of the fleet and army. Early in July, Admiral Holburn arrived there with a large squadron of ships and five thousand land forces; and after many delays, was joined by Lord Loudon, with six thousand regulars. Much was properly anticipated from this formidable armament, but the procrastination of the commander-in-chief doomed the country to severe disappointment. For before his preparations were completed, the French had occupied Louisburg with a superior force, despatched from Brest, against which his lordship was not disposed to make an effort.

XXXII. The enemy, however, was not slow to avail himself of the advantages which might accrue to him by the withdrawal of the British troops from the northern frontiers of New York. Montcalm, at the head of nine thousand men, drawn principally from Crown Point, Ticonderoga, and the neighbouring forts, with some Canadians and Indians, invested Castle William on the southern shore of Lake George. The place was garrisoned by three thousand men, including the unfortunate Jersey regiment, was well fortified and supplied with necessaries, but Colonel Monroe was compelled to surrender it within six days after its investment. Montcalm's triumph was stained by the barbarities of his Indian allies, and though he exerted himself to protect his prisoners, the massacre of many of them will ever be coupled with his name. Major-general Webb made strenuous exertions to relieve the fort by arousing the militia of New York and New Jersey. From the latter province, one thousand men were despatched, and three thousand were

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put in readiness to march, should they be required. By these reinforcements he was enabled to hold Fort Edward, check the progress of the enemy, who retired when he had learned the return of Loudon to New York. The New Jersey regiment with other prisoners were released, and returned to New York under parole, not to serve again during eighteen months, and being thus rendered useless, were, at the instance of the Assembly, disbanded. This regiment, since the capture of Colonel Schuyler, had been commanded by Colonel Parker.

XXXIII. On August 31, 1757, died Governor Jonathan Belcher, in the 76th year of his age. His health had been so infirm, during the preceding two years, that he summoned the Assembly to attend him at Elizabethtown, much to their dissatisfaction. The House seemed apprehensive of being made a mere satellite of the Executive, to revolve around him, in whatever sphere he chose to move, and they therefore attended Governors Morris and Belcher, even when illness prevented these officers from getting to Burlington, or to Amboy with great reluctance; protesting at all times, that their acquiescence should not be drawn into precedent; and they explicitly refused to adjourn from Burlington to Trenton, on the request of his successor Mr. Readington, although his health also required this indulgence.

Governor Belcher was a native of New England, and inherited, in early youth an abundant fortune, which enabled him to visit Europe, and to mingle extensively in good society, until lavish expenditure dissipated his wealth. He joined the popular side in the colony of Massachusetts, in the long contest with Governor Burnet, on the question of fixing his salary, for an indefinite time, and was sent as an agent of the Assembly to represent their views to the King. Upon the death of Governor Burnet he was appointed to succeed him, and then maintained the pretension of his predecessor, which he had been employed to repel, and with the like ill success. His administration at Boston was distinguished by his taste for ostentation, and his imperious deportment, and he finally so disgusted the influential men of that government, by rejecting several respectable persons nominated to the council, that they successfully united to effect his removal. He afterwards remained several years unemployed, until he was named to the government of New Jersey. "He was now advanced in age, yet lively, diligent in his station, and circumspect in his conduct, religious, generous and affable. He affected splendour, at least equal to his rank and fortune: but was a man of worth and honour, and though, in his last years under great debility of body from a stroke of the palsy, he bore up with firmness and resignation, and went through the business of his government, in the most difficult part of the war, with unremitting zeal in the duties of his office."*

XXXIV. By the death of Mr. Belcher, the administration of the government again devolved on Mr. John Reading, the first named of the counsellors; who being aged and infirm, at first refused, and finally assumed, its duties with great reluctance. For the space of more than a month, the government was directed by the whole council, at whose instance, on the application of Lord Loudon, the Assembly voted one hundred rangers, to be employed on the frontiers during the winter season.†

* Smith's Hist. of N. J. 438.

† The captain of this company received six shillings, the lieutenants five, serjeants four, corporals three and six pence, and the private soldier three shillings per day. And each officer and soldier was furnished at colonial expense, with a blanket, a half thick under jacket, a kersey jacket lapelled, buckskin breeches, two check shirts, two pair of shoes, two pair of stockings, a leather cap, and a hatchet; and 20 shillings was allowed to the captain for each private he should enlist.

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CHAPTER IX.

Containing Events from the Presidency of Mr. Reading to the repeal of the Stamp Act—from the year 1746 to the year 1766.—I. Influence of Mr. Pitt and his Policy upon Colonial Affairs—New hopes infused into the Colonists.—II. Successful Attack of the English upon the Northern Forts.—III. Capture of Fort Du Quesne by General Forbes.—IV. Cheerful and ready aid of the Colonies.—V. New Jersey supplies one thousand Men, and builds Barracks for the King's Troops.—VI. President Reading superseded by the arrival of Governor Bernard—His treaty with the Indians—Succeeded by Thomas Boone—He, by Josiah Hardy—He, by William Franklin, the last of the Royal Governors.—VII. Efficient Preparations for the Campaign of 1759.—VIII. Conquest of the French Colonies in North America.—IX. Honourable share of the Provincialists in this Result.—X. Treaty of Peace with France and Spain.—XI. New Confederacy and Hostilities of the Indians—Six hundred Troops raised by New Jersey.—XII. Impressions on the English Ministry, by the Wealth and Power displayed in America.—XIII. Proposition of Mr. Grenville to tax the Colonies.—XIV. Consideration of the Principles relating to Colonial Taxation.—XV. Mr. Grenville communicates his purpose to the Colonial Agents in London.—XVI. Views taken by Colonies of this Proposition.—XVII. Propositions by several of the Colonies to raise Money, rejected by Mr. Grenville.—XVIII. Act of Parliament for Tax on Colonial Imports and Exports.—XIX. Effect of the Measures in America—Proceedings of Massachusetts and Rhode Island.—XX. Stamp Act passed—Its reception in the Colonies.—XXI. Temporary suspension of legal proceedings and of the publication of Newspapers.—XXII. Anti-Importation Associations.—XXIII. Organization of the "*Sons of Liberty*."—XXIV. Proposition of Massachusetts for assembling a Congress of Deputies from the Colonies—Action of New Jersey on this proposition.—XXV. Proceedings of the Congress—Messrs. Ruggles of Massachusetts, and Ogden of New Jersey, refuse to join in a General Petition.—XXVI. The Assembly of New Jersey approve the Proceedings of Congress—adopts Resolutions condemnatory of the Stamp Act.—XXVII. Efforts in England for Repeal of the Stamp Act.—XXIX. Inquiry before the House of Commons—Repeal of the Stamp Act.

I. With the opening of the year 1758, a new era dawned upon the colonies, which were roused from a state of apathy by the voice of William Pitt. The enterprise, judgment, and firmness, which had raised England from the depths of humility, were now employed for the reduction of the American continent. The plan of the campaign was wisely matured, and committed for execution, to men who had reputations to lose and fortunes to gain. Loudon was recalled. Abercrombie commanded in chief, with Amherst for his second, aided by Brigadiers Wolfe and Forbes. The fleet, consisting altogether of one hundred and fifty sail, was commanded by Boscawen.

II. The designated objects of the campaign were Louisburg, the forts on the lakes, and Fort du Quesne. Major-general Amherst, with twelve thousand men, aided by the fleet, laid siege to the first, early in June; and captured it, after an obstinate defence of seven weeks. General Abercrombie, with seven thousand regulars and ten thousand colonial troops, undertook the expedition against the northern forts. He first attempted that at Ticonderoga, which had been reared by the French in 1756, on the narrow neck of land dividing Lake George from Lake Champlain. Its position, strong by nature, was well secured by art, and by a garrison of five thousand men. Relying on his superior force, the British general made his attack without artillery, which, from the badness of the roads, could not keep pace with the army. He was repulsed with the loss of two thousand men, chiefly killed; among whom were Brigadier-general Lord Howe, and many other officers of distinction. Though still superior to the enemy, he made a hasty retreat;

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but compensated for this ill-timed prudence, by the capture of Fort Frontignac, situate on the north side of the river St. Lawrence, at its entrance from Lake Ontario; commanding the river, and serving as a magazine for the more southern castles. The garrison consisted of one hundred and ten men only; but the fort contained a large stock of arms, stores, and provisions for the western posts. Nine armed vessels, some of which carried eighteen guns, were also taken. The enterprise was projected and executed by Lieutenant-colonel Bradstreet.

III. The reduction of Fort Du Quesne was confided to Brigadier-general Forbes, with a detachment from General Abercrombie's army, strengthened by the southern militia; the whole computed at seven thousand eight hundred and fifty men.* He began his march from Carlisle in the middle of July, to join Colonel Bouquet at Raystown; who, with two thousand five hundred men, was advanced to Loyal Hanna, fifty miles further to the westward. The march of the main body was delayed until September, in consequence of the difficulty in procuring carriages and military stores, and of the tardiness with which the orders to the Virginia regulars, under Colonel Washington, had been given. In the mean time, Major Grant was detached by Bouquet, with eight hundred men, to reconnoitre the fort and adjacent country. He was attacked, surrounded by the enemy, and lost above three hundred men, killed and taken, and was himself among the prisoners; the remainder retired in great confusion.† Colonel Bouquet still continuing at Loyal Hanna, the enemy resolved to attack him, in his camp. A force, estimated at twelve hundred French, and two hundred Indians, commanded by De Vetri, assailed him on the eleventh of October with great vivacity, but was compelled to draw off with considerable loss, after a warm combat of four hours. A second attack was made during the night, but some shells thrown from the camp compelled them to retreat. The loss of Colonel Bouquet amounted to sixty-seven rank and file, killed and wounded. Upon the twenty-third or twenty-fourth of October, General Forbes proceeded from Raystown to Loyal Hanna. He continued there until the seventeenth of November. On the twelfth of that month Colonel Washington, being out with a scouting party, fell in with a number of the enemy about three miles from the camp, whom he attacked, killing one, and taking three prisoners: among the latter was one Johnson, an Englishman, who had been captured by the Indians in Lancaster county, from whom was derived full and correct information of the state of the garrison at Du Quesne. A most unfortunate occurrence happened to the provincials upon this occasion. The fire of Washington's party being heard at the camp, Colonel Mercer, with a number of Virginians, were sent to his assistance. The two parties approaching, in the dusk of the evening, reciprocally mistook each other for enemies; a number of shot was exchanged, by which a lieutenant and thirteen or fourteen Virginians were killed. On the thirteenth of November, a force of one thousand men, under Colonel John Armstrong, was pushed forward, and the general followed on the seventeenth, with four thousand three hundred effective men, leaving strong garrisons at Raystown and Loyal Hanna. For want of practicable roads, the whole march was tedious and difficult—the advance of ten miles a-day being deemed extraordinary progress. The

* 350 Royal Americans; four companies.
1200 Highlanders; thirteen companies.
2600 Virginians.
2700 Pennsylvanians.
1000 Wagoners, sutlers, and followers of the army.
Penn. Gazette, 1758, No. 1553.

† 14th September.

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army was greatly afflicted by sickness, and weakened by desertion. Neglecting the road formerly cut by Braddock over the mountains, General Forbes opened a new one, by which he approached the fort. The capture of Frontignac, and the defection of the Indians from the French interest, had already prepared the way for his success. The garrison of Fort Du Quesne, unsustained by their savage allies, and hopeless of reinforcements, the Canadian force lately engaged at Loyal Hanna having retired, held the place, only, until the approach of the English army should justify its abandonment. Accordingly, on the twenty-fourth of November, when Forbes was within a day's march of the fort, they burned and abandoned it, and escaped, by the Ohio river, to the French settlements upon the Mississippi. The ruined fortifications were seized by the English, on the next day, and, being hastily repaired, were garrisoned by four hundred and fifty men, chiefly provincial troops, from Pennsylvania, Maryland, and Virginia, under the command of Colonel Mercer. The remainder of the army was marched into the interior, and quartered at Lancaster, Reading, and Philadelphia.

IV. In the preparations of the colonies for this campaign, we have new evidence of the power which an energetic spirit, directed by wisdom, may obtain, over the mass of mankind. The contributions of the provinces, towards carrying on the continental war, had, for the last campaigns, been merely the cold returns of duty; but in this, the people displayed all the zeal with which men pursue their interests, when animated by well founded hopes of success. Their combined forces, they were now assured, would be applied to remove the enemy from the frontiers; and instead of being required to furnish a specific quota of troops, each colony was directed to raise as large a force as was in its power, with the greatest possible despatch. To render such force effective, Mr. Pitt recommended to the respective governors, to commission popular men for officers, and in bestowing military appointments, to have regard, solely, to the public service. Arms, ammunition, tents, and provisions, were to be furnished by the crown; and the expense of levying, clothing, and pay, was to be borne by the provinces. But, even these charges, he promised to recommend the Parliament to pay, as the vigour and efforts of the provinces should merit.

V. Thus inspirited, the Assembly of New Jersey, instead of raising, reluctantly, five hundred men, doubled that number; and to fill the ranks, in season, offered a bounty of twelve pounds, per man; increased the pay of the officers, and voted a sum of fifty thousand pounds, for their maintenance. They, at the same sessions, directed barracks to be built at Burlington, Trenton, New Brunswick, Amboy, and Elizabethtown, competent, each, for the accommodation of three hundred men. *Nor, did the Assembly fail to remark, on the constitutional method they had been called on to give assistance to the common cause; being left at liberty to furnish to the crown, what their own ability and sense of the occasion required.* This complement of one thousand men, New Jersey kept up, during the years 1758, 1759, and 1760; and in the years 1761 and 1762, furnished six hundred men, beside in the latter year, a company of sixty-four men and officers, especially, for garrison duty; for which she incurred an average expense of forty thousand pounds per annum.

VI. On the 13th of June, 1758, President Reading was superseded by the arrival of Francis Bernard, Esq., who continued to govern the province, in unbroken harmony with the Legislature, until the 4th of July, 1760. The principal service rendered by this gentleman, was the aid he gave in the pacification of the Indians, at the treaty of Easton, in October, 1758, of which we have spoken fully elsewhere. Upon his transfer to Massachusetts, he was succeeded by Thomas Boone, who continued little more than a year;

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being removed to South Carolina, and his place in New Jersey supplied by Josiah Hardy. Upon his dismissal, and appointment to the consulate at Cadiz, came in, William Franklin, the son of Dr. Benjamin Franklin, the last of the colonial governors. Thus, in the space of five years, New Jersey had seen five governors appointed by the crown. This frequent change proved very unacceptable to the colony, which was fully content with the three first we have named; and would have been satisfied to have spared the repeated gift of five hundred pounds, usually made to the new governor, on his arrival, in consideration of the expense and trouble of his voyage. To Governor Franklin this present was not made. But as the cost of living had considerably increased by the diminution of the value of money, consequent on the increased amount of the circulating medium, during the war, the Assembly added two hundred pounds to the annual salary, making it twelve hundred pounds.

VII. Great Britain, having resolved to annihilate the French power in North America, made adequate preparations for the campaign of 1759. An army of eight thousand men, under General Wolfe, was destined to attack Quebec; whilst General Amherst, with 12,000 regular and provincial troops, should reduce the forts of Ticonderoga and Crown Point, cross Lake Champlain, and by the rivers Richelieu and St. Lawrence, join Wolfe; and General Prideaux, assisted by Sir William Johnson, at the head of some friendly Indians, should capture the fort at the falls of Niagara, and proceed by Lake Ontario and Montreal, to unite with the other generals. To General Stanwix, was confided the southern department, with orders to watch the western frontier, and to erect proper forts for its defence.

VIII. This stupendous plan was, only, partly carried into execution. Quebec was purchased with the life of the gallant Wolfe. General Amherst obtained possession of Crown Point and Ticonderoga, but too late in the season, to permit him to accomplish the remainder of the plan assigned to him. General Prideaux invested Niagara, but was slain in the trenches by the bursting of a cohort. The fort was, however, captured by Sir William Johnson, who succeeded him in the command. It was not until September of the succeeding year, that the great object was entirely gained; when, by the union of three British armies, before Montreal, the Marquis de Vaudreuil, was compelled to surrender, by capitulation, the whole of the French possessions to his Britannic Majesty.

Thus fell the great power of France in America. Possessed of the northern and southern parts of the continent, her encroachments became formidable to the British American empire, which she sought to confine, to a narrow slip of sea-coast. She thus brought upon her the united power of England and her colonies, which she baffled, when feebly directed; but which was irresistible in the hands of a wise and energetic minister.

IX. The share of the provincials in this result, gives lustre to the colonial history of the American States. They had kept in the field an average force of twenty-five thousand men during the war; had lost thirty thousand of their young men, and contributed three millions five hundred thousand pounds sterling, to the payment of its expenses.* Four hundred privateers, from their ports, ravaged the French West India islands, and distressed the commerce of France, in all parts of the world. Their troops preserved the remains of the army wrecked by the folly of Braddock; and under Monckton, captured Beau Sejour, in Nova Scotia. Commanded by Sir William Johnson, they destroyed the army of Baron Dieskau; and subsequently reduced Fort Niagara, one of the most important posts on the continent. The merit

* Of this sum, Parliament reimbursed at several times, £1,031,666 sterling.

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of these actions, is ascribable to them, solely. In all the marches and battles they were principal sufferers; and where honour was to be gained, the provincial was distinguished, by his fortitude in adversity, and his promptitude and courage in the hour of peril.

X. Spain became party to the war, in January, 1772; but the conflict against the united house of Bourbon, was not of long continuance; peace being made with France and Spain, on the 3d of November, of the same year. We are interested in the terms of the treaty, so far only, as they affected the colonies. France surrendered her pretensions to Nova Scotia, and ceded Canada, including Louisiana. Spain yielded Florida. In exchange for this mighty domain, France received the islands of St. Pierre and Miquelon, near Newfoundland, with a restricted privilege of the fishery, and the islands of Martinique, Guadaloupe, Mariegalante, Deseada, and St. Lucia.—Spain obtained the restoration of the Havana—a price, more than adequate for Florida, which would not have been paid, but with the design of preserving the eastern shore of North America, from foreign influence.

XI. In exclusive possession of this immense territory, comprehending nearly one-fifth of the globe, Great Britain and her colonies rationally looked forward, to its peaceful enjoyment, in full confidence, that the aboriginal inhabitants, no longer exposed to dangerous solicitations, nor supported by alien power, would not dare to provoke the resentment of those upon whom they must entirely depend, for the gratifications supplied by the whites. But the cupidity of the savage had been highly excited, during the late conflict, and as deeply indulged. The present unprotected state of the frontier, held forth irresistible temptations to his whetted appetite for plunder. His barbarities had been rather rewarded than chastised. Every treaty brought him rich presents; and his detention of prisoners, whom he had again and again promised to surrender, was overlooked, on slight apologies; though, obviously, done to afford opportunities for new treaties and additional gifts. But, we must, perhaps, look deeper, for the cause of the wide extended confederacy, which now took place among the aborigines, and which may have been dictated by profound policy. They beheld the French driven out of the whole country, and themselves in danger of becoming wholly dependent upon a power, which already commanded by its forts, the great lakes and rivers; and they may have felt, that an immediate and mighty effort was necessary to restrain the tide, which, if unimpeded, would spread itself over the continent, overwhelming all their nations in its course.

A secret coalition was formed among the Shawanese, the tribes upon the Ohio, and its tributary waters, and about Detroit, to attack, simultaneously, the English posts and settlements, upon the frontier. The plan was deliberately and skilfully projected. The settlements were to be invaded during harvest; the inhabitants, with their corn and cattle, to be destroyed; and the outposts to be reduced by famine. The Indians fell, suddenly, upon the traders, whom they had invited among them, murdered many, and plundered the effects of all, to an immense amount. The frontiers of Pennsylvania, Maryland and Virginia, were overrun by scalping parties, committing their usual enormities. The out-forts, even the most remote, were assailed about the same time; and all, immediately, fell into the hands of the enemy, save Niagara, Detroit, and Fort Pitt, which, being larger and better garrisoned, were enabled to stand a longer siege.

As, in the preceding Indian contest, the frontier inhabitants were driven in, and the enemy again penetrated into the thickly settled country; but more skill and courage were generally displayed in resisting them. Niagara and Detroit were protected by detachments sent to their relief by General Amherst, whilst Colonel Bouquet, after much fatigue and a bloody battle, suc-

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ceeded in succouring Fort Pitt. These distressing hostilities continued until October, 1764, when they were terminated by Col. Bouquet, who, with fifteen hundred men, overran the Indian country in Ohio, compelling the submission of the tribes, and releasing many white prisoners. The Indians, soon after, entered into a final and satisfactory treaty with Sir William Johnson, who was authorized for that purpose, by the crown.

Governor Franklin, on the approach of the savages to the western frontier of New Jersey, ordered out the militia, remanned the fortifications which had been formerly erected, and built several new block-houses. Yet some parties of Indians crossed the Delaware, made their way through the lines, and massacred several families. On the meeting of the House, 15th of November, he recommended them to provide six hundred men, at the request of General Amherst, to unite with other forces to invade the Indian country, and to provide more effectually for defence of their own limits. The latter, the House undertook, directing two hundred men to be raised for this purpose, and appropriating ten thousand pounds for their support; but they declined to furnish troops for general operations, until a general plan should be formed, and a requisition should be made for aid to the other colonies. At their next subsequent session, however, they passed a bill for raising six hundred men, on condition, that a majority of the eastern colonies should come into the requisition; and when this bill was rejected by the council, and the governor prorogued the House, in order to give them an opportunity to bring in another, they authorized the force required, provided New York should contribute her full proportion. In this shape the bill passed, and the troops joined the northern army.

XII. The great pecuniary advances of the colonies, in the late wars, discovered to the ministry of Great Britain, a mine of wealth, whose existence they had not hitherto suspected; and with the knowledge came an inexpressible longing to subject this wealth to the use of the parent state. But no good genius whispered, that, there existed, also, the spirit, as well as the means, to maintain the political freedom which had been, at once, the source of riches and of colonial happiness. It was supposed, that, if in a few years, these long neglected and distant provinces could pay, without apparent inconvenience, millions for defence, they might, also, be compelled to pay millions for tribute.

XIII. On this assumption, Mr. Grenville, first commissioner of the treasury, flattered himself that he might establish a high financial character, in relieving *his* country by the taxation of her provinces. To a superficial observer, few obstacles were apparent in such a course. Parliament had frequently imposed duties upon the colonial trade; which, as a part of a general system, for regulating the commerce of the empire, had been patiently borne. But, no attempt had been, hitherto, made, avowedly, to raise a revenue from the colonies, for the use of the British treasury.

XIV. Upon the principles which have governed modern colonization, the colony is dependent, either upon the parent *state*, or upon its *chief*, as a distinct *apanage* or property. The first case was, that of the colonies of most of the European states. The second, characterized those of Spain; the kingdoms of Mexico, Peru, &c., being long considered as connected with those of Castile and Arragon, through the monarch alone, who was the king of each, respectively. A different view, however, was taken in relation to these, by the Cortes, in framing the constitution of 1820, when, as integral parts of the Spanish *empire*, they were admitted to representation in the *national* councils. The English colonies held their connexion with Great Britain, to be somewhat similar to that which had prevailed between Spain and her provinces; claiming, however, for their governments, the important and characteristic principle, which animated the polity of the parent state, that the

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people should have a potential voice, in legislation, through their representatives. This theory was universal, but the practice was variously modified; the Legislative power, being more or less exercised by the people, according to the provisions of the several charters from the crown. One right, however, which controlled all others—the right of the purse, was every where held sacred to the people; and though the crown might create an almost inevitable necessity of disbursement, it could not without the form, at least, of popular volition, take money from the pockets of the people.*

The right of the Parliament to legislate, generally, for the colonies had not been questioned since the year 1692, when Massachusetts and New York denied it by acts of their Legislatures.† These laws were annulled in England; and in 1698 Parliament declared, that "all laws, by-laws, usages and customs, which shall be in practice, in any of the plantations, repugnant to any law made, or to be made, in this kingdom, relative to the said plantations, shall be void and of none effect."

By the charter of Charles II, to Penn, the right of Parliament to lay duties on imports and exports, and to impose taxes or customs on the inhabitants of Pennsylvania, their lands, goods and chattels was clearly reserved. In 1739, Sir William Keith, in conjunction with some American merchants, proposed to raise troops for the western frontier, to be supported by a duty laid by Parliament on stamped paper and parchment, in all the colonies. But the subject was then too inconsiderable to claim the attention of the government. When efforts were made to unite the colonies in 1754, a plan for colonial taxation was suggested; but the ministers finding the colonies averse to their views, did not venture to press it on the eve of a war, in which the cordial and undivided exertions of the whole nation were required.‡

A more favourable occasion seemed now to present itself. The war which had grown out of American interests, had been honourably terminated, and it was supposed, that the provinces, grateful for their deliverance, would cheerfully repay the care of a fostering mother. Nor would such anticipations have been disappointed, had the designs of the ministry no other consequences than a single pecuniary burden upon the people.

XV. Towards the end of the year 1763, Mr. Grenville communicated to the colonial agents in London, his purpose of drawing a revenue from America; by means of a stamp duty to be imposed by Act of Parliament, and directed them to transmit this intelligence to their respective Assemblies, that they might suggest any more preferable duty, equally productive.§ The following view, briefly exhibited, was then taken of this subject, by all the provinces.

XVI. The colonies were considered as integral governments, of which the crown was the head, having exclusive political power within their respective territories, except in cases involving the general interests of the empire, in which, from principles of convenience and necessity, they admitted the supremacy of the British Parliament. On these principles, they had submitted to the general regulations of commerce, however restrictive of their exertions at home and abroad; and where the letter of the law pressed heavily on their

* By the *Concessions* of Berkeley and Carteret, and also of the West Jersey proprietors, it was provided, "that the governor and council are not to impose, or suffer to be imposed, any tax, custom, or subsidy, tollage, assessments, or any other duty whatsoever, upon any colour or pretence, how specious soever, upon the said province, and inhabitants thereof, without their own consent, first had, or other than what shall be imposed by the authority and consent of the General Assembly."

† Smith's N. Y. 75, 76.

‡ Marshall's Life of Washington.

§ One hundred thousand pounds sterling, was the sum required by Mr. Grenville.

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natural rights, murmurs were seldom heard, as such acts were not rigidly enforced. The mode of drawing aid from the colonists accorded with these principles. The sovereign having well considered the occasion, in his privy council, directed his secretary of state to apply to each colony through its governor, to grant him such sums as were suitable to its ability. And as the colonies had always made liberal grants on such requisitions, the proposition to tax them in Parliament, was unnecessary, cruel, and unjust. Unjust, because it was diametrically opposite to the letter and spirit of their constitutions, which had established as a fundamental axiom, that taxation and representation are inseparable, and that as the colonies were not, and from local and political obstacles could not be, represented in the British Parliament, it would be the very essence of tyranny to attempt to exercise an authority over them, which, from its nature, must inevitably lead to gross abuse. For, when in absolute possession of the power now claimed, could it be imagined, that Parliament would not rather vote away the money of the colonists, than of their constituents? By the constitution, their business in matters of *aid* was with the King alone; they had no connexion with any financier, nor were the provincial agents the proper persons through whom requisitions should be made. For these reasons, it was improper for the provinces to make propositions to Mr. Grenville, in relation to taxes, especially, as the notice he had sent, did not appear to have been by the King's order, "and was perhaps without his knowledge."*

XVII. These views certainly did not proceed from a desire to avoid contribution, in relief of the public wants. Several of the colonial Legislatures declared, "that as they always had thought, so they always should think, it their duty to grant aid to the crown." Copies of these votes were presented to Mr. Grenville, and an opportunity was thus offered to him, to raise by constitutional means, more than a compulsory tax would produce. But he had resolved on measures, which should establish the absolute supremacy of Parliament over the provinces, and open the way for its unrestrained exercise.

XVIII. When forming his plan of American taxation, Mr. Grenville certainly did not apprehend all its consequences. But, aware that it would be opposed, he was desirous of trying an old measure under a new aspect, and proposed, in distinct terms, to *raise a revenue*, by taxes on colonial imports. This measure, sufficiently obnoxious in itself, was accompanied by a resolution of Parliament, "that it may be proper to charge certain stamp duties in the colonies." The act of Parliament, based on the first proposition, was extremely onerous to the American trade; the duties thereby imposed amounting almost to a prohibition of commercial intercourse with the French and Spanish colonies.† It is true, that this trade, previous to the passage of the act of which we now speak, was unlawful; but it was connived at, and was

* Votes of the Assemblies of the several colonies. Franklin's Letters, March 8th, 1770. Provincial Remonstrances. Marshall's Life of Washington, vol. ii. 68, &c.

† This act was entitled, "An act for granting certain duties in the British colonies and plantations, in America, for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late Majesty, King George the Second, (entitled, an act for the better securing and encouraging the trade of his Majesty's sugar colonies in America,) for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expenses of defending, protecting and securing the said colonies and plantations, for explaining an act, made in the twenty-fifth year of the reign of King Charles the Second, (entitled, an act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade,) and for allowing and disallowing, several drawbacks on exports, from this kingdom, and those effectually preventing the clandestine conveyance of goods, to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain."

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highly profitable; furnishing to the provinces, gold and silver for their remittances to England. The minister, in his care to prevent smuggling, did not pause to consider the difference between an advantageous trade in the western hemisphere, and the illicit commerce on the British coast. Converting naval officers into officers of the customs, he nearly destroyed the whole colonial trade with the Spanish and French islands. The preamble to the new impost law, declaring it to be just and necessary, that a revenue should be raised in America, and the resolution to follow it up, with a stamp act, gave an unequivocal and odious character to the law, and sent it forth to the colonies, the pioneer of a system of boundless oppression.

The revenue act became still more unpopular, by the means used to enforce it. The penalties for breach of its provisions, were made recoverable in the courts of admiralty, without the intervention of a jury, before judges dependent upon the crown, and drawing their salaries from forfeitures, adjudged by themselves. The duties were required to be paid in gold and silver, now scarce attainable, and consequently, the paper currency, more than ever necessary, was rejected and depreciated.

XIX. The impression, caused by these measures on the public mind, was uniform throughout America. The Legislature of Massachusetts, whose population, essentially commercial, felt most severely the late restrictions, was the first to notice them. That body resolved, "That the act of Parliament relating to the sugar trade with foreign colonies, and the resolution of the House of Commons, in regard to stamp duties, and other taxes proposed to be laid on the colonies, had a tendency to deprive the colonists of their most essential rights, as British subjects, and as men—particularly, the right of assessing their own taxes, and of being free from any impositions, but such as they consented to, by themselves or representatives." They directed Mr. Mauduit, their agent in London, to remonstrate against the ministerial measures, to solicit a repeal of the sugar act, and to deprecate the imposition of further duties and taxes on the colonies. They addressed the Assemblies of the other provinces, requesting them to unite in a petition against the designs of the ministry, and to instruct their agents to remonstrate against attempts so destructive to the liberty, the commerce and prosperity, of the colonies. The colony of Rhode Island, proposed to the provincial assemblies, to collect the sense of all the colonies, and to unite in a common petition to the King and Parliament.

XX. All the efforts of the American colonies to stay the mad career of the English ministry, proved unavailing. The stamp act was passed, with slight opposition, by the Commons, and unanimity by the Lords.* Dr. Franklin, who had been despatched to Europe, in November, 1764, as the agent of Pennsylvania, laboured earnestly to avert a measure, which his sagacity and perfect knowledge of the American people, taught him was pregnant with danger, to the British empire. But, even he does not appear to have entertained the idea, that it would be forcibly resisted. He wrote to Mr. Charles Thompson, "The sun of liberty is set, you must light up the candles of industry and economy." To which Mr. Thompson replied, "He was apprehensive that other lights would be the consequence." To Mr. Ingersol, the agent of Connecticut, the doctor said, "Go home, and tell your people to get children as fast as they can." Intimating that the period for successful resistance had not yet arrived.

* The stamp act was passed on the 22d of March, 1765. It was under the consideration of Parliament, in March, of the foregoing year, but was postponed, it was said, by the exertions of Mr. Allen, chief-justice of Pennsylvania, at that time on a visit to London.

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The ministry, desirous to render the stamp act as little obnoxious as possible, resolved to appoint the officers of distribution and collection, from among the discreet and reputable inhabitants of the provinces. But, there were no means, by which to reconcile the people to a law, every where regarded as the forerunner of political slavery. The stamp officers, either voluntarily or compulsorily resigned their offices; some were hung or buried in effigy, in several of the provinces, and violent outrages were committed on the person and property of the deputy-governor, and other officers, at Boston. William Coxe, Esq., who had been appointed stamp officer, for New Jersey, voluntarily resigned his office in September, 1765. Subsequently, upon the application of the *Sons of Liberty*, of East Jersey, he published a copy of his letter of resignation, which had been made to the commissioners of the treasury; and declared that he had appointed no deputy, and would never act under the law. Towards the end of November, a number of the inhabitants of Salem county, learning that a Mr. John Hatton was desirous to be employed in the distribution of stamps, compelled him to a similar declaration.

On Saturday, the 5th of October, the ship Royal Charlotte, bearing the stamped papers for Jersey, Maryland, and Pennsylvania, convoyed by a stoop of war, arrived at Philadelphia. As these vessels rounded Gloucester Point, all those in the harbour hoisted their colours, at half mast; the bells were muffled, and every countenance assumed the semblance of affliction. At four o'clock, in the afternoon, many thousand citizens assembled at the state house, to consider of the means for preventing the distribution of the stamps. Their deliberations resulted in forcing Mr. Hughes, the stamp officer, most reluctantly, to decline the exercise of his office, and in securing the stamps on board his Majesty's sloop of war, Sardine.

XXI. The universal refusal of the colonists to submit to the stamp act, occasioned the entire suspension of legal proceedings. In some of the provinces, however, business was speedily resumed; and in nearly all, the penalties of the act were braved before its repeal. The members of the bar in New Jersey, met about the middle of February, 1766, at New Brunswick, to consider of the propriety of continuing their practice; and being *waited on* by a deputation of the *Sons of Liberty*, who expressed their dissatisfaction at the suspension of law proceedings, they determined, at all hazards, to recommence business on the first of the ensuing April. At the same time, deputies from the same self-constituted regulators of public affairs, *waited on* Mr. White, prothonotary of the county of Hunterdon, who was induced by their polite and energetic instances, to promise that his office should be reopened at the same period. By law, the stamp duty was to commence on the first of November. On the previous day, the newspapers, generally, were put in mourning for their approaching extinction; the editors having resolved to suspend their publication, until some plan should be devised to protect them from the penalties for publishing without stamps. The term of suspension, however, was short. On the 7th of November, a simisheet issued from the office of the Pennsylvania Gazette, without title or mark of designation, headed, "*No stamped paper to be had;*" and on the 14th, another, entitled "*Remarkable Occurrences.*" Both were in form of the gazette, which, after the 21st, was again regularly published.*

XXII. "To interest the people of England against the measures of administration, associations were formed in every part of the continent, for the encouragement of domestic manufactures, and against the use of those imported from Great Britain. To increase their quantity of wool, they deter-

* Pennsylvania Gazette.

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mined to kill no lambs, and to use all the means in their power, to multiply their flocks of sheep.

XXIII. While this determined and systematic opposition was made by the thinking part of the community, there were some riotous and disorderly proceedings, especially in the large towns, which threatened serious consequences. Many houses were destroyed, much property injured, and several persons, highly respectable in character and station, grossly abused. These violences received no countenance from the leading members of society; but it was extremely difficult to stimulate the mass of the people, to that vigorous and persevering opposition, which was deemed essential to the preservation of American liberty, and yet to restrain all those excesses, which disgrace, and often defeat, the wisest measures. In Connecticut and New York, originated an association of persons, styling themselves the "*Sons of Liberty*," which extended into New Jersey, and other colonies; who bound themselves, among other things, to march to any part of the continent, at their own expense, to support the British constitution in America; by which, was expressly stated to be understood, the prevention of any attempt, which might any where be made, to carry the stamp act into operation. A corresponding committee of these sons of liberty was established, who addressed letters to certain conspicuous characters, throughout the colonies, and contributed materially to increase the spirit of opposition, and perhaps the turbulence, with which it was in some places attended.*

XXIV. On receipt of intelligence of the passage of the stamp act, several of the colonial Legislatures, of which Virginia was the first, asserted the *exclusive* right of the Assemblies to lay taxes and impositions on the inhabitants of the colonies, respectively. But the House of Representatives of Massachusetts, contemplating a still more solemn and effectual expression of the general sentiment, and pursuing the suggestion of Rhode Island, recommended a Congress of deputies from all the colonial Assemblies, to meet at New York, on the first Tuesday in October, to consult on the present circumstances of the colonies. Circular letters, signed by the speaker, communicating this recommendation, were addressed, respectively, to the speakers of the Assemblies in the other provinces. Wherever the Legislatures were in session, this communication was immediately acted upon.

It was laid before the Assembly of New Jersey, (20th June, 1765) on the last day of the session, when the House was thin; and the members, as Governor Franklin asserts, determined "*unanimously, after deliberate consideration, against connecting on that occasion;*" and directed a letter to be written at the table, to the speaker of Massachusetts Bay, acquainting him with their determination. The House, at a subsequent session, question,† but

* Marshall's Life of Washington, vol. i.

† June 27th, 1766. The statement of the Assembly is curious, and evidently betrays a design to make the best of a circumstance, with the remembrance of which, they were not very content. They say, "This House acknowledges the letter from the Massachusetts Bay; that it was on the last day of the session, some members gone, others uneasy to be at their homes; and, do assert, that, the then speaker agreed to send, nay urged, that members should be sent to the intended Congress; but changed his opinion upon some *advice* that was given to him; that this sudden change of his opinion displeased many of the House, who seeing the matter dropped, were indifferent about it; and as no minute was made, and no farther notice taken of it, the House is at a loss to determine whence his excellency could get the information, that the House took the same into '*deliberate consideration*,' *determined* (as his excellency says, from their own words) '*unanimously against connecting on that occasion:*' they have recollected the whole transaction, carefully examined their minutes, and can find nothing like it inserted therein; an answer to the Massachusetts letter was written, and if the expressions his excellency mentions, were made use of, in it, this House is at a loss to know how they are accountable for it, when it does not appear

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do not disprove this statement. But, this determination was so highly condemned by their constituents, that the speaker found it necessary, in order to avoid the indignation of the people, and to preserve the public peace, to convene the members by circulars, at Amboy, and with them to proceed to the nomination of delegates to the Convention of New York, consisting of Mr. Robert Ogden, the speaker, Mr. Hendrick Fisher, and Mr. Joseph Borden. This measure was severely reprehended by the governor, and was the cause of an angry contention between him and the Assembly.

XXV. Delegates from the Assemblies of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina, assembled at New York at the time appointed. New Hampshire, Georgia, Virginia, and North Carolina were not represented; but the two former gave assurances of their disposition to unite in petitions to the King and Parliament. The Assemblies of the two latter not having been in session, since the proposition for a Congress had been made, had no opportunity to act upon the subject.

This Congress adopted a declaration of rights and grievances, upon which they founded a petition to the King and a memorial to Parliament. In these, they claimed the full privileges of English subjects, averred the plenary legislative power of the colonial Assemblies, protested against taxation by Parliament, and the dispensation of the trial by jury; and earnestly pressed upon the attention of the parent state, the burdens imposed by the stamp and other acts, with the utter impossibility of continuing the execution of the former, in consequence of the drain of specie it would produce. A difference of opinion prevailed upon the question, whether the petitions and memorials should be signed and transmitted by the Congress, or be sanctioned and forwarded by the provincial Assemblies, as their several acts. Messrs. Ruggles of Massachusetts, the chairman of the Convention, and Ogden of New Jersey, believing in the propriety of the latter mode, refused to sign with the other delegates; but their conduct was censured by their constituents: and Mr. Ogden, thereupon, resigned his seat in the Assembly, which was convened by the governor, at his special instance,* that they might consider and adopt the best mode of expressing their sense of the obnoxious measures.†

XXVI. The House received from Messrs. Fisher and Borden their report of the proceedings of the Congress, and, unanimously, approved thereof; voting their thanks to those gentlemen, for the faithful and judicious discharge of the trust reposed in them. Mr. Courtlandt Skinner, the newly elected speaker, Mr. John Johnson, Mr. John Lawrence, and Mr. David Cooper were appointed to correspond with the agent‡ of the colony in Great Britain.

The House then proceeded to adopt, unanimously, the following preamble and resolutions: "Whereas, the late act of Parliament, called the stamp act, is found to be utterly subversive of privileges inherent to, and originally

to be an act of the House; but reflection on this passage, satisfies the House, that his excellency has more knowledge of the contents of the letter in answer, than the members of the House themselves."—*votes*. It is impossible not to perceive that the members of this Assembly, had not that vivid sense of evil resulting from the stamp act, which was displayed in other colonies, particularly, when we consider that this was the first opportunity for expressing their sentiments, upon the odious pretensions of Parliament. Upon their return to their constituents, however, the members imbibed opinions and zeal more befitting the times; and hence we have additional evidence, that, resistance to British oppression, was not produced by the efforts of a few leading and aspiring men, but was the spontaneous act of a high spirited people, well instructed in their rights, and resolutely determined to maintain them.

* 27th November, 1765. † Note A A. ‡ Joseph Sherwood, Esq.

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secured by, grants and confirmations from the crown of Great Britain to the settlers of this colony: in duty, therefore, to ourselves, our constituents, and posterity, this House thinks it absolutely necessary, to leave the following resolves on our minutes: 1. That his Majesty's subjects inhabiting this province, are, from the strongest motives of duty, fidelity, and gratitude, inviolably attached to his royal person and government; and have ever shown, and we doubt not, ever will show, the utmost readiness and alacrity, for acceding to the constitutional requisitions of the crown, as they have been, from time to time, made to this colony: 2. That his Majesty's liege subjects in this colony, are entitled to all the inherent rights and liberties of his natural born subjects, within the kingdom of Great Britain: 3. That it is, inseparably, essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed upon them, but with their own consent, given personally, or by their representatives: 4. That the people of this colony are not, and from their remote situation cannot, be represented in the Parliament of Great Britain; and if the principle of taxing the colonies without their consent, should be adopted, the people here would be subjected to the taxation of two Legislatures; a grievance unprecedented, and not to be thought of, without the greatest anxiety: 5. That the only representatives of the people of this colony, are persons chosen by themselves; and that no taxes ever have been, or can be, imposed on them, agreeably to the constitution of this province, granted and confirmed by his Majesty's most gracious predecessors, but by their own Legislature: 6. That all supplies being free gifts; for the people of Great Britain to grant, to his Majesty, the property of the people of this colony without their consent and being represented, would be unreasonable, and render useless legislation in this colony, in the most essential point: 7. That the profits of trade arising from this colony, centering in Great Britain, eventually contribute to the supplies granted there to the crown: 8. That the giving unlimited power to any subject or subjects, to impose what taxes they please in the colonies, under the mode of regulating the prices of stamped vellum, parchment, and paper, appears, to us, unconsitutional, contrary to the rights of the subject, and, apparently, dangerous in its consequences: 9. That any incumbrance which, in effect, restrains the liberty of the press in America, is an infringement of the subject's liberty: 10. That the extension of the powers of the court of admiralty, within this province, beyond its ancient limits, is a violent innovation of the right of trial by jury—a right which this House, upon the principles of their British ancestors, hold most dear and invaluable: 11. That, as the tranquillity of this country hath been interrupted through fear of the dreadful consequences of the stamp act; that, therefore, the officers of the government, who go on in their offices, for the good and peace of the province, in the accustomed manner, while things are in their present unsettled situation, will, in the opinion of this House, be entitled to the countenance of the Legislature; and it is recommended to our constituents, to use what endeavours lie in their power, to preserve the peace, quiet, harmony, and good order of the government; that no heats, disorders, and animosities may, in the least, obstruct the united endeavours, that are now strongly engaged for the repealing the act abovementioned, and other acts affecting the trade of the colonies."

XXVII. Whilst these efforts were being made on this side of the Atlantic to obtain redress for American grievances, the colonial agents, the friends of freedom and equal rights, and the merchants interested in the American trade, were not idle in Great Britain. The refusal to import her manufactures touched her in a vital part. The great diminution of orders for goods,

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so honourable to the self-control of the colonists, compelled a powerful class of traders to advocate liberal principles, who, under other circumstances, would have gladly sustained any policy which might have lessened their burden of taxation. Powerful as this combination certainly was, it had to contend against the most imperious passions, the pride and avarice of the people. The lofty position assumed by the Americans was intolerable. They had long been viewed as men of an inferior race. The arrogant philosophy of Europe had placed them and the animal productions of their country, low in the scale of perfectibility. By the mass of the English vulgar, they were ranked with savages and negroes. The colonies, the dependencies of Great Britain, on which she had, for years, poured forth the scourings of her prisons, had denied her supremacy, and refused to submit to her Parliament, hitherto deemed throughout her vast empire, politically omnipotent. With the sin of a rebellious temper, they were also charged with ingratitude. Under the pressure of accumulated debt and heavy taxation, the English people envied the display of wealth by the provincialists in the late war, and forgot that its exhibition was made in the common cause, with a generosity which had enforced from English justice, the return of more than a million sterling. Thus supported, the ministry which sought relief for the people, by taxing American industry, would scarcely have been driven from their purpose. But other causes transferred the government to other statesmen, whom consistency required, at least, to reverse measures which they had denounced with unqualified reprobation.

XXVIII. Under the new ministers an inquiry was instituted into the effects of the colonial policy of their predecessors. The merchants and manufacturers gave ample testimony of the paralysis in trade, whilst Dr. Franklin, as the representative of America, before a committee of the whole House of Commons, demonstrated the impossibility of levying the new impositions, and the consequent necessity of their repeal. The majority of Parliament was, now, divided into two parties. The larger one affirmed the right to tax the colonies, but denied the expediency of its present exercise; the other, led by Mr. Pitt, repudiated this right, on the ground that all aids are gifts from the people, and can never be legally obtained without their assent; and that this assent could not be had in Parliament, since the colonists were not there represented. A repeal on these principles, however just, according to the English constitution, would not have saved the pride of the nation, and would have destroyed the hopes of future revenue at the will of Parliament. Hence, the repeal of the stamp act, which took place on the eighteenth of March by a vote of two hundred and seventy-five, to one hundred and sixty-seven, was accompanied by a declaration of the right of Parliament to tax America. It was followed by an act indemnifying those who had incurred penalties on account of stamp duties. The tidings of this event were received in America with joy more temperate than might have been expected from the excitement of the public mind. The prudence displayed on this occasion had been earnestly recommended by a committee of merchants in London trading with America, and by others friendly to American interests.

At the meeting of the Assembly of New Jersey in June, 1766, Governor Franklin congratulated the House on the repeal of the odious stamp act; to which, however, he had been little accessory; and whilst he lauded, with the warmth becoming a dependent of the crown, "the tenderness, lenity, and condescension, the wisdom, justice, and equity, which his Majesty and the Parliament had manifested on this signal occasion," he carefully refrained from reminding the members of the obstacles he had endeavoured to raise, to their action on the case, and the severity with which he reprehended them for

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sending delegates to the New York convention, and their approval of its proceedings. The Assembly did not fail to use so favourable an opportunity for retaliation, rendered more poignant, that the moderation of the province had received the commendation of the ministry; but the House would have enjoyed its triumph with forbearance, had not the governor, by an angry message, drawn forth a severe retort.

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CHAPTER X.

Comprising Events from 1766 to 1769.—I. Remaining discontents in the Colonies, after the repeal of the Stamp Act.—II. Dissatisfaction in Great Britain on account of the repeal—American taxation again proposed in Parliament, by Mr. Townsend—Bill imposing Duties on Goods imported into America, passed.—IV. Circular Letter of Massachusetts to the other Colonies.—V. Promptitude and Unanimity of the Colonies produced by the Farmer's Letters.—VI. Resort to Non-importation Agreements.—VII. The Ministry condemn the Circular Letter. VIII. Menacing Resolutions of Parliament against Massachusetts—The other Colonies approve her conduct.—IX. Modified repeal of the Imposts—Consequent modification of the Non-importation Agreements.—X. Numerous Law Suits—The People complain of the Fees of the Courts.—XI. Disputes between the Governor and the Assembly.—XII. Robbery of the Treasury of East Jersey—The Assembly require the removal of the Treasurer—He is protected by the Governor.—XIII. Efforts of Governor Franklin to encourage the culture of Hemp, Flax, and Silk.—XIV. New apportionment of Members in the Province.—XV. Testimonial of the Northern Indians to the Justice of the Colony.

I. Although the joy produced by the repeal of the stamp act, was common to all the colonies, the same temper did not prevail in all. In the commercial cities, the restrictions on trade excited scarce less disgust than had been created by the stamp act itself; and in the north, political parties had been formed, which betrayed excessive bitterness in opposition to each other. The first measures of Massachusetts and New York demonstrated that the reconciliation with the colonies was not cordial.

With the circular of Mr. Secretary Conway, announcing the repeal of the stamp act, came a resolution of Parliament, declaring, that those persons who had suffered injury by assisting to execute that act, ought to be compensated by the colonies, respectively, in which such injury was done. This, specially, affected Massachusetts, where compliance with the resolution was tardy, reluctant, and ungracious. An act of pardon to the offenders, and of indemnity to the sufferers, was, however, passed; but it was rejected by the King; because the colonial Assembly had no power under their charter, to pass an act of general pardon, but at the instance of the crown.

In New York, where General Gage was expected with a considerable body of troops, the governor required from the Legislature, compliance with the act of Parliament, called the "*Mutiny Act*," which directed, the colony, in which any of his Majesty's forces might be stationed, to provide barracks for them, and certain necessaries in their quarters. The Legislature, reluctantly and partially, complied with the requisition; but at a subsequent session, when the matter was again brought before them, they determined, that the act of Parliament could only be construed to require necessaries for troops on a march, and not while permanently stationed in the country; on a contrary construction, they said, the colony might be grievously burdened, by marching into it several regiments. This reason admits the obligation to obey the act. Yet, its requisitions were, unquestionably, a tax; and between the power of Parliament to levy money by its own authority, and, compulsorily, through the colonial Legislatures, no essential distinction can be drawn. A like requisition was made on the Legislature of New Jersey, in April, 1768, by Governor Franklin, which was fulfilled with cheerful alacrity. Such were the inaccurate ideas, which even then prevailed, in parts of the continent, relative to the control which Parliament

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might justly exercise over the colonies. The contumacy of New York was punished and removed by prohibiting the Legislature from passing any act, until the requisition of the Parliament had been, in every respect, complied with.*

Some troops having been driven, by stress of weather, into the harbour of Boston, their commander applied to Governor Bernard, for the necessary and usual supplies, which were granted by consent of the council, "*in pursuance of the act of Parliament.*" But the general court which met soon afterwards, (1767) disapproved, in pointed terms, the conduct of the governor, declaring, that, "after the repeal of the stamp act, they were surprised to find, that this act, equally odious and unconstitutional, should remain in force. They lamented the entry of the reason for the advice of council, the more, as it was an unwarrantable and unconstitutional step, which totally disabled them from testifying the same cheerfulness they had always shown, in granting to his Majesty, of their free accord, such aids as his service had, from time to time, required."

II. The repeal of the stamp act, however grateful to the friends of liberty, to the colonists, and to the English merchants trading with them, was not popular with the nation at large. The supremacy of the Parliament was maintained by the mass of the people; the hope of revenue from America was too fascinating to be surrendered without further exertion; and the King beheld, with high indignation, the resistance to his authority, and the political principles which his American subjects had displayed. Moved by these considerations, Mr. Charles Townsend, chancellor of the exchequer, in an administration formed by Lord Chatham, a man of splendid and versatile talents, invited the attention of Parliament, again, to the subject of American taxation. He boasted, "that he knew how to draw a revenue from the colonies, without giving them offence, and animated by the challenge of Mr. Grenville, to make his vaunting true, he proposed and carried almost unanimously, a bill imposing certain duties on tea, glass, paper, and painters' colours, imported into the colonies from Great Britain; the proceeds of which were appropriated to the support of government in America, so far as should be necessary, and the balance to be paid into the British treasury.

This measure was founded in the erroneous belief, that the colonists objected rather to the mode than to the right of taxation. But though there had been some inaccuracies in expressing their views on the statutes regulating trade, there should have been no misapprehension of their determination to resist every attempt to tax them without their consent. The bill of Mr. Townsend had the unequivocal character of a revenue law, and as such was avowedly enacted; nor were the provincialists slow to declare their sense of its true character.

III. Petition and remonstrance were again resorted to by the colonial Legislatures. The tone, generally taken, was not so high, as in case of the stamp act; but the conviction that the one was as great a violation of public liberty as the other, soon became universal.

The colony of Massachusetts, in addition to her other measures, addressed a circular letter (11th February, 1768,) to the Assemblies of the respective colonies, stating her own proceedings to obtain redress. This was laid before the House of Representatives of New Jersey by the speaker, Courtland Skinner, Esq., on the 16th of April, and was referred to Messrs. Borden, J. Lawrence, and R. Lawrence, with instructions to draught an answer thereto. The answer, signed by the speaker, remarks, "sensible that the law you complain of is a subject in which every colony is interested, the

* Marshall.

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House of Representatives readily perceived the necessity of an immediate application to the King, and that it should correspond with those of the other colonies; but as they have not had an opportunity of knowing the sentiments of any other colony, but that of the Massachusetts Bay, they have endeavoured to conform themselves to the mode adopted by you. They have therefore given instruction to their agent, and enjoined his attention on the subject of their petition." And it concluded, "the House have directed me to assure you, that they are desirous to keep up a correspondence with you, and to unite with the colonies if necessary, in further supplications to his Majesty, to relieve his distressed American subjects. Pursuant to these sentiments, the House, May 7th, 1768, adopted a petition to his Majesty, in which, after recounting the perils and labours of the primitive settlers, they declared, that "the subjects thus emigrating brought with them, as inherent in their persons, all the rights and liberties of natural born subjects within the parent state. In consequence of these, a government was formed under which they have been constantly exercised and enjoyed by the inhabitants, and repeatedly and solemnly recognised and confirmed by your royal predecessors, and the Legislature of Great Britain."

"One of these rights and privileges vested in the people of this colony, is the privilege of being exempt from any taxations, but such as are imposed on them by themselves, or by their representatives; and this they esteem so invaluable, that they are fully persuaded, no other can exist without it."

Then, after recalling to the remembrance of their sovereign, their past promptitude in furnishing all necessary supplies required from them, and their disposition for the future, to evince "their unfeigned affection for his Majesty's person, their distinguished duty to his government, and their inflexible resolution to maintain his authority and defend his dominions," they proceed;

"Penetrated with these sentiments, this, your people, with the utmost concern and anxiety observe, that duties have lately been imposed upon them by Parliament, for the sole and express purposes of raising a revenue. This is a taxation upon them from which they concieve they ought to be protected, by the acknowledged principles of the constitution: that freemen cannot be legally taxed but by themselves or by their representatives; and that they are represented in Parliament they not only cannot allow, but are convinced from their local circumstances they never can be."

"Very far is it from our intention, to deny our subordination to that august body, or our dependence on the kingdom of Great Britain; in these connections, and in the settlement of our liberties under the auspicious influence of your royal House, we know our happiness consists, and therefore, to confirm those connexions and to strengthen this settlement, is at once our interest, duty, and delight. Nor do we apprehend, that it lies within our power by any means more effectually, to promote these great purposes, than by zealously striving to preserve in perfect vigour, those sacred rights and liberties, under the inspiriting sanction of which, inconceivable difficulties and dangers opposing, this colony has been rescued from the rudest state of nature, converted into a populous, flourishing, and valuable territory; and has contributed in a very considerable degree, to the welfare of Great Britain."

"Most gracious sovereign, the incessant exertions of your truly royal cares, to procure your people a prosperity equal to your love of them, encourage us, with all humility, to pray, that, your Majesty's clemency will be graciously pleased to take into consideration our unhappy circumstances, and to afford us such relief, as your Majesty's wisdom shall judge to be most proper."

IV. The Legislature of Massachusetts, which convened early in January, 1768, addressed remonstrances to the King, to Parliament, and to the minis-

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ters, and a circular letter to the several colonies. The latter contained an exposition of the subject of their remonstrances, a recapitulation of the arguments urged against the stamp act, and declared the taxes lately imposed, to be inequitable, because exacting a duty upon the importation into America, on British manufactures, in addition to that paid on exportation from England; and that, the proposed disbursements of the revenue, in the payment of the salaries of the governors and judges appointed by the crown, had a tendency to subvert the principles of equity, and to endanger the happiness and security of the subject.

V. The promptitude and unanimity of the colonies, generally, on this occasion, has been, with great justice, ascribed to the judicious and eloquent essays of Mr. John Dickerson, published as "Letters from a Farmer in Pennsylvania, to the Inhabitants of the British colonies." These papers, in which the rights of the colonists were ably maintained, were republished in every colony; and the people of Boston, and other towns, in town meeting, voted a letter of thanks to their "patriotic, enlightened, and noble spirited author."

VI. In their controversy upon the stamp act, the colonists found their most effectual weapon in their non-importation agreements. Recourse was again had to them. But as New Jersey had little direct commerce, of importation, she could not express her sense of injury, adequately, by this mode; but she was not precluded from giving to her commercial neighbours the stimulus of her approbation. Accordingly, in the October session of 1769, her Legislature resolved unanimously, "That the thanks of the House be given to the merchants and traders of this colony, and of the colonies of New York and Pennsylvania, for their disinterested and public spirited conduct, in withholding their importations of British merchandise, until certain acts of Parliament, laying restrictions on American commerce, for the express purpose of raising a revenue in America, be repealed."

Efforts being made in Rhode Island, to break through the non-importation agreement, the freeholders, merchants and traders, of the county of Essex, convened at Elizabethtown, on the 5th of June, 1770, and resolved, that such agreement was founded on the truest policy, and was a legal and constitutional method of discovering their sense of the acts of Parliament, for raising a revenue in the colonies; and therefore should be firmly adhered to, until such acts were repealed: That they would not themselves, or by others, receive, purchase, sell, or otherwise use, any of the manufactures or merchandise, imported from Great Britain, contrary to the agreement; and that, they would not trade, nor have any commercial intercourse, with such persons, who should import goods or cause them to be imported, or with any person, who shall purchase goods so imported; but would use every lawful means, to hinder the sale of such goods, in any way whatever: That they highly approved the spirited behaviour of their Boston, New York, and Philadelphia brethren, in renouncing all commerce and intercourse with the traders and inhabitants of Newport, in Rhode Island, who had perfidiously deserted them in this struggle; and that they would observe the same rules of conduct they had so properly adopted, with respect to the traders and inhabitants of Newport. And at a meeting held at the same place, on the 16th of July, when having learned, that "the merchants and traders of the city of New York, had lately thought proper, contrary to their own agreement, and in violation of their public faith, to break through the only measure that could have obtained redress, they declared that the signers to the late non-importation agreement, at New York, had perfidiously betrayed the common cause, deserted their countrymen, in their united struggles for the removal of ministerial oppression; and that every person who, contrary to the non-

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importation agreement, shall import, ought, by the friends of their country, to be treated, not only in like manner, as they themselves set the example, in the late case of the merchants and traders of Newport, but be held in the utmost contempt by all the friends of liberty, and treated as enemies to their country: And that they would strictly adhere to their resolutions, adopted at a former meeting. The conduct of the New York importers was condemned by the inhabitants of Woodbridge, and New Brunswick, and other places, in terms still more energetic. Some of these importers, venturing, soon after, to New Brunswick and Woodbridge, with their goods, were severely handled by the populace.

VII. "On the first intimation of the measures taken by Massachusetts, the Earl of Hillsborough, who, about the close of the year 1767, had been appointed to the then newly created office of Secretary of State, for the department of the colonies, addressed a circular letter to the several governors, to be laid before the Assemblies, in which he treated the circular of Massachusetts, as of the most dangerous and factious tendency, calculated to inflame the minds of his Majesty's good subjects in the colonies—to promote an unwarrantable combination, to excite and encourage an open opposition to, and denial of, the authority of Parliament; and to subvert the true principles of the constitution; and he endeavoured to prevail upon them to treat with resentment, "such an unjustifiable attempt to revive those distractions, which had operated so fatally to the prejudice of the colonies, and of the mother country; but in any event, not to take part with Massachusetts, by approving such proceedings." Instructions accompanied this letter, to dissolve such Assemblies as should refuse to comply with its recommendation. It does not appear, that the Assembly of New Jersey took any order upon the circular of Massachusetts. But other colonies declared, that they could not consider as an unwarrantable combination, a concert of measures to give efficacy to their representations, in support of principles essential to the British constitution.*

"This circular of Massachusetts, together with the violent proceedings which were subsequently had in that colony, were the cause of joint resolutions of both Houses of Parliament, condemning in the strongest terms, the measures pursued by the Americans. An address was agreed upon, approving the conduct of the crown, giving assurances of effectual support to such further measures as should be found necessary to maintain the civil magistrates in a due execution of the laws within the province of Massachusetts Bay; and beseeching his Majesty, to direct the governor of that colony, to obtain and transmit to him, information of all treasons committed therein, since the year 1767, with the names of the persons who had been most active in promoting such offences, that prosecutions might be instituted against them, *within the realm*, in pursuance of the statute of the 35th of Henry VIII."†

VIII. The impression made by these menaces, directed specially against Massachusetts Bay, in expectation that the other provinces would be, thereby, deterred from involving themselves in her dangers, was very unfavourable to the views of the mother country. The resolution to resist the exercise of the authority claimed by her, was not only unshaken, but manifested itself in a still more determined form. The Assembly of Virginia, soon after the receipt of these resolutions, asserted, unanimously, the exclusive right of that Assembly to impose taxes on their constituents, and their undoubted privilege to petition for redress of grievances, and to obtain the concurrence of the other colonies in such petitions. Alluding particularly to the joint ad-

* Marshall. † Ibid.

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dress of the two Houses of Parliament to the King, they also resolved, that all persons charged with the commission of any offence, within that colony, were entitled to a trial before the tribunals of the country, according to the fixed and known course of proceedings therein; and that to seize such persons, and transport them beyond seas for trial, derogated, in a high degree, from the rights of British subjects; as, thereby, the inestimable privilege of being tried by a jury, from the vicinage, as well as the liberty of summoning and producing witnesses, in such trial, would be taken from the party accused. This last resolution was also adopted, in terms, by the Assembly of New Jersey.*

IX. Notwithstanding these strong measures on the part of Parliament, the mass of the English trading population, feeling, severely, the consequences of the non-importation agreement, strongly urged the abrogation of the new duties. And the ministry, affected by the commercial distress, were desirous to give relief, but were resolute to maintain the parliamentary right to tax the colonies.

With criminal weakness they adopted a middle course, remarkable for the ignorance it displays of the state of the public mind, and the nature of the public character, in America. The earnest remonstrances and prompt and energetic resistance of the colonies, had failed to convince them, that the assertion of the right, and not the amount of duty levied, was the true source of complaint. The ministers persisted in believing that a reduction of the tax would restore tranquillity. Under this delusion, assurances were given, in 1769, that five-sixths of the taxes imposed in 1767, should be repealed: and, in 1770, the whole were abolished.

Adhering strictly to their principles, the colonists modified their non-importation agreements, to operate on tea alone. This they were better enabled to do, as that article could be obtained from continental Europe, by smuggling, in sufficient quantities, and at less price, than if regularly imported from Great Britain. The anticipation of revenue, by continuance of the impost act, was, therefore, vain; and its preservation on the statute book, served but to keep the jealousies and fears of the provinces in constant activity, and to familiarize the people with opposition to a power, which like the sword of Damocles, threatened, momentarily, their destruction.

In some of the colonies the non-importation agreements were partially violated; but, in the greater part, they were religiously observed. By the revenue act, in its modified form, their rights were exposed to violation, yet their preservation depended on themselves; since, whilst no dutiable commodity was purchased, no duty was paid; and whilst this commodity was, otherwise, cheaply procured, no privation was sustained. Hence, a state of political quiet ensued the repealing act of 1770. The ministry seemed disposed to avoid further aggression, and the Americans, generally, ceased to remonstrate and complain; although they continued to watch, with lynx-eyed vigilance, every movement of the British government, and to discuss, publicly and privately, the value of the union between the colonies and the parent state.

X. The period of four years, which succeeded the modification of the revenue act, contains few incidents of historical interest. The late war, by the great expenditure of money, and consumption of agricultural products, had caused an extraordinary appearance of prosperity in New Jersey, as in other colonies. A ready market and advanced price for grain, increased the value of lands, and seduced the enterprising into improvident purchases. The causes of this excited state ceasing with the peace, great depression

* December 6th, 1769.

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of prices, and contraction of business, ensued. Debtors were unable to pay; bankruptcies and suits at law were numerous, and the prosecuting creditor and his attorney became odious to the debtor and his sympathizing friends. In popular distress, as amid arms, the laws are silent. In January, 1770, many citizens of Monmouth county, assembled at Freehold, on the stated day for holding the county court, and violently deterred the judges from executing their office; compelling them to return to their respective homes; and a similar riot, in Essex, was suppressed, only, by the spirited conduct of the sheriffs, magistrates, and the better disposed inhabitants. The cause alleged for these unwarrantable proceedings, was oppression by the lawyers, in their exorbitant charges for costs. The governor, by the advice of his council, issued a special commission for the trial of the offenders, adding to the justices of the Supreme Court, some gentlemen of distinguished character. In Essex, the rioters were immediately tried, convicted, and punished; but, in Monmouth, they were screened from chastisement, by the sympathy of their fellow-citizens. The Assembly was specially convened as well to receive and continue legal process, which had abated by the lapse of a term, as to provide additional means for the preservation of the public peace. And whilst effecting these objects, they inquired strictly into the allegations against the lawyers, acquitting them of extortion, but providing by law against excessive costs, in the recovery of debts under fifty pounds. In suppressing these seditions Mr. Richard Stockton was highly instrumental, supporting with dignity the authority of government, and mildly assuaging the temper of the people.

XI. In the intercourse between Governor Franklin and the Assembly, considerable harmony prevailed. But, occasionally, differences of opinion led to intemperate altercation. Thus, a war of words grew out of the application of the officers of the King's troops, for supplies and accommodations greater than the House was disposed to grant. For, although the statesmen of New Jersey did not take the high ground of Massachusetts, upon this subject, they were reluctant to expend any thing more than the strictest construction of the act of Parliament required. A lengthened discussion was finally terminated by mutual concession. But another dispute soon after arose, on the application of the Assembly, for the removal of the treasurer of the eastern division of the province. With singular policy, a treasurer was retained and located in each of the ancient divisions of the colony; and by policy not less singular, they were appointed by the governor, gave no security for the faithful performance of their duties, but were responsible to, and always accounted with, the Assembly.

XII. Mr. Stephen Skinner was treasurer of East Jersey, and resident at Perth Amboy. On the night of the 21st of July, 1768, his house was broken open, and the iron chest in which he kept the provincial funds, was robbed of sixty-six hundred pounds, chiefly in bills of credit. The character of the treasurer was fair, and his statement of circumstances was received without inquiry, during two years; when no clue being discovered to the robbery, the Assembly, October, 1770, directed an investigation, and came to the conclusion, that the loss was occasioned by the want of that care, which was necessary to the safe keeping of the money; and that the treasurer ought not to be allowed therefor in his accounts. But no further steps were taken in this matter, until September, 1772; when, the treasurer remonstrating against this vote, the then House approved the sentiment of its predecessor, and invited the governor to join them in some method to compel the treasurer to account for the sum, *said to be stolen.*

The committee, addressing his excellency, complained, "that though the treasurer did not apprehend himself accountable for that sum to the public,

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as in the treasury, he was still continued in office, the public money still depended on his care, and nothing had been done to recover the deficiency." Notwithstanding this broad intimation, the governor insisted, that if the House desired the removal of the treasurer, they should tell him so, in plain terms. He reproached them for their insinuation of neglected duty, and retorted the charge, averring, that for several years, they had taken no order on the matter. The Assembly, thus urged, now left the governor no cause to doubt their wishes, and closed a long argumentative reply, with "humbly requesting his excellency, that he would be pleased to remove the treasurer from his office, appoint some other person therein, and unite with them in passing a law, authorizing the treasurer, so appointed, to commence suit for the deficiency against his predecessor. The governor did not object to a suit for determining the liability of the officer; and a committee of the council, in conference with one from the Assembly, proposed to file an information against the treasurer; but the House rejected the mode, alleging, that a criminal prosecution would not attain their object. On the other hand, the governor refused to commit the injustice of removing a public officer, who, though unfortunate, had not been convicted of malfeasance; and whose conduct and character the Assembly, after examination, had declared unimpeached. He pleaded, also, a royal instruction, forbidding him to displace any officer or minister, in the province, without sufficient cause, to be signified to the king; an instruction, he said, wisely calculated to guard against that arbitrary, despotic temper, which sometimes actuated governors, as well as that levelling, democratic disposition, which too often prevails in popular assemblies.*

This was a subject of angry discussion, between the governor and Assembly, for nearly two years longer; in which the former was encouraged, by the discovery of a gang of counterfeiters and forgers, one of whom, it was probable, from the evidence of his accomplices, had perpetrated the robbery of the treasury. At length, the treasurer, who had repeatedly, but in vain, prayed the Assembly to cause a suit to be instituted against him, resigned his commission; and an act was passed by the Legislature, directing

* May we not here properly remark, that a clause in our republican constitutions, prohibiting the removal of public officers, *without good and sufficient cause*, would protect useful public servants against the arbitrary and despotic temper, which sometimes actuates governors and presidents, as well as that capricious disposition, and proscriptive spirit of party, which too often prevails in popular assemblies? Officers of state are created for the service of the people, as the state itself is constituted for their benefit. The individual emolument which arises from the maintenance of the officer, is an accident, not the object, of the creation. Yet, a fatal misconstruction of the maxim, that offices are created for the people, has been so widely spread throughout our republics, as to threaten their safety and duration. Leaders of parties, in high stations, proclaim "*rotation in office*," to be republican; that all citizens are entitled to participate in official emoluments, and are competent to the performance of official duties. Such doctrines have a demoralizing effect, tending to discourage industry, and to create numerous anxious, idle, venal, expectants of office. Their absurdity becomes apparent, by following them out to their proper results. Even, if we limit the position, by saying, that all men duly qualified, are entitled to participate in official emoluments, it will be obvious that an attempt to reduce it to practice, however impossible, would produce a change every hour, in every office of the country. The true principle is, that public officers are agents of the people, to be appointed, directly or indirectly, by the people, as they shall in their wisdom determine; and should be changed, only, when the public interests require. Like other agents they should receive a moderate, but just, compensation for their services, with the assurance of its continuance, whilst those services are, faithfully, rendered. Towards their public servants, the whole people, the state, should pursue the course which each individual possessing common sense, adopts in his own affairs. No prudent man discharges a competent, experienced, and faithful servant, to receive others in quick succession, who enter his service with a view solely to the wages, and whose capacity for service is to be acquired at his expense.

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his successor to sue for the balance. One good effect resulting from this contest, was the requisition on future treasurers, to give adequate security to the province for the faithful disbursement of public moneys.*

XIII. Governor Franklin seems to have been truly solicitous to promote the welfare of the colony, by increasing its agricultural and commercial products. At his instances, which in the present season of political quiet, he earnestly renewed, the Assembly established bounties for the growth of hemp, flax and silk; considerable efforts were made to diffuse the culture of the mulberry tree, and had not this simple branch of industry been prostrated by the war, silk would soon have become a staple commodity of the country. At the suggestion of the governor, also, means were taken by the Assembly, to obtain a full census, and statistical account of the province; but these were rendered ineffective by the scenes of political disquiet which soon after arose.

XIV. Previous to the year 1772, the House of Representatives consisted of twenty members. The cities of Perth Amboy and Burlington, and the counties of Middlesex, Essex, Somerset, Bergen, Gloucester, and Cape May, each sending two representatives, whilst Salem and Cumberland jointly, sent only two, and Hunterdon, Morris, and Sussex jointly, the same number. But in that year, an act of Assembly for increasing the number of representatives, had been approved by the King, and seems to have been a cause of gratulation between the governor and Assembly. By this act, each county was entitled to two representatives, and the whole number was increased to thirty. The representation which appears to have been based upon territorial divisions, merely, without regard to the essential principle of population, was, thus, continued upon an erroneous basis, and has not been fully corrected, even at the present day.

XV. Governor Franklin, on the part of the province, contrary to the policy which it had hitherto pursued, attended two conferences with the northern Indians. The first was in 1769, at Fort Stanwix, at which he was accompanied by the chief justice; and where the *Six Nations* having agreed upon a general boundary line, between them and the northern colonies, (the object of the meeting) publicly acknowledged the repeated instances of the justice of the province, in bringing murderers to condign punishment; and declared that they had no claim, whatever, upon the province, and in the most solemn manner conferred upon the government of New Jersey, the distinguishing name of *Sagorighwiyogstha*, or the great arbiter, or doer of Justice.

* See note B B.

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CHAPTER XI.

Comprising Events from the year 1773, to 1776.—I. Committees of Correspondence established in the several Colonies.—II. The British Ministry encourage the shipment of Teas to America, by the East India Company.—III. Alarm of the Colonists—Consignees of the India Company compelled to forego their appointments.—IV. Measures pursued in New Jersey.—V. Reception of the Tea in America.—VI. Indignation of the King and Parliament.—VII. Violent measures adopted against Boston.—VIII. Alarming Act of Parliament, relative to the Provincial Government of Canada.—IX. Proceedings of the Inhabitants of Boston—General commiseration of their fate.—X. New Jersey appoints Members to Congress.—XI. Congress assemble at Philadelphia—Their proceedings.—XII. The Assembly of New Jersey approve the Proceedings of Congress, and appoint Delegates to the next Convention—Instructions.—XIII. The Provincial Governors instructed to impede the Union of the Colonies—Efforts of Governor Franklin.—XIV. Reply of the House.—XV. Rejoinder of the Governor—Address of the Council.—XVI. The Assembly petition the King.—XVII. Reception of the Proceedings of Congress in London.—XVIII. Proceedings of Parliament—Conciliatory Propositions of Lord North.—XIX. Sense of New Jersey upon this proposition.—XX. State of the Dispute with England.—XXI. Second New Jersey Convention called—Encourages Political Associations—Organizes the Militia, and provides funds.—XXII. Meeting of Congress at Philadelphia—Its Measures.—XXIII. Appointment of Commander-in-Chief and subordinate Generals.—XXIV. Congress again petition the King—Ungracious reception of the petition.—XXV. Address their fellow-subjects of Ireland, &c.—XXVI. New Jersey Convention re-assembles—Proceedings—Provision for the continuance of a Provincial Congress—Committee of Safety appointed.—XXVII. Meeting of the Assembly—Address of Governor Franklin—He claims assurance of protection for himself and others, the King's officers.—XXVIII. Reply of the Assembly.—XXIX. Act authorizing the issue of Bills of Credit, for £100,000, approved by the King.

I. It is not our purpose to detail all the remote causes and immediate motives that led to the revolution, which dissolved the connexion between Great Britain and her North American colonies; but to keep up such a connected narrative of circumstances pertaining to that great event, as will enable us to exhibit the part which New Jersey bore in the contest. We do not, therefore, enter upon the various causes of dissatisfaction in Massachusetts, and the measures resulting therefrom, which preserved there a spirit of opposition to the crown, whilst a general calm was elsewhere pervading the continent. It may be proper, however, to note, that, from the commencement of the contest, Massachusetts was particularly solicitous of uniting all the colonies in one system of measures. In pursuance of this object, she devised the plan of electing committees in the several towns for the purpose of corresponding with each other, and with the other colonies, which was adopted by the other provinces. The honour of originating the Legislative committees of correspondence in the several colonies, which afterwards became so essentially useful, is claimed, by Mr. Jefferson, for Virginia.

II. The general state of quiet which had been induced by the prudence of the European and American parties, the one forbearing to ship, and the other to order teas, was, after three years' continuance, terminated by the impolitic avarice of the British ministry. The East India company, the most daring, ambitious, and successful of commercial associations, had became embarrassed by lavish expenditure, the peculations of their servants, and the diminution of their trade in consequence of the American quarrel. Applying to the government for assistance, they proposed, that the duty of three pence per pound, payable on teas imported into the colonies, should be abolished, and

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that six cents per pound should be imposed on the exportation. This favourable and honourable mode of removing the occasion for dispute between the parent and her offspring was, we cannot, now, say, unfortunately, rejected by the administration; who, as if by extraordinary stimulus to accelerate the coming contest, proposed and carried a bill authorizing the company to export their teas altogether free of duty. Lord North, says the English historian, recommended this measure to Parliament with a twofold view; to relieve the India Company and to improve the revenue. The latter was to be accomplished by tempting the Americans to purchase large quantities of teas at a low price. But the Company would not venture to ship, until assured by the ministry, that in no event they should suffer loss.

III. The export of tea to America, under these circumstances, was, in itself, sufficient to arouse opposition. But the occasion was eagerly seized by those whose interests would be promoted by popular resistance. Merchants in England, whose profits were endangered by this operation of the India Company, and cis-atlantic smugglers, whose trade was threatened with extinction, laboured with the patriot, to convince the people of the immutable determination of the parent state to tax the colonies; and for that purpose, to compel the sale of the tea, in despite of the solemn resolutions, and oft declared sense of the inhabitants. The cry of endangered liberty was again heard from New Hampshire to Georgia. Town meetings were held in the capitals of the different provinces, and combinations formed to obstruct the sale of the fatal weed. The consignees of the Company were, generally, compelled to relinquish their appointments, and substitutes could not be procured.

IV. The most determined spirit of resistance displayed itself, in New Jersey, upon the first favourable opportunity. On the eighth of February, 1774, the Assembly, on the proposition of Virginia, appointed from its members, a standing committee of correspondence,* whom they instructed to obtain the most early and authentic intelligence of all the acts and resolutions of the Parliament of Great Britain, or the proceedings of the administration, which might affect the liberties and privileges of his Majesty's subjects, in the British colonies of America; to maintain a correspondence with the sister colonies, respecting these important considerations, and to inform the speakers of the several continental Assemblies of this resolution, requesting, that, they would submit them to their several Houses. They gave thanks, also, to the burgesses of Virginia, for their early attention to the liberties of America.

V. On the approach of the tea ships destined for Philadelphia, the pilots in the Delaware were warned not to conduct them into harbour; and their captains, apprized of the temper of the people, deeming it unsafe to land their cargoes, consented to return without making an entry at the custom house; the owners of goods, on board, cheerfully submitting to the inconvenience of having their merchandise sent back to Great Britain. The captains of vessels addressed to New York, wisely, adopted the same resolution. The tea sent to Charleston was landed and stored, but not offered for sale; and being placed in damp cellars, became rotten, and was entirely lost. The ships designated for Boston entered that port, but before the tea could be landed, a number of colonists, disguised as Indians, pursuant to a concerted plan, entered the vessels, and without doing other damage, broke open three hundred and forty-two chests, and emptied their contents into the sea. Such

* Consisting of James Kinsey, Stephen Crane, Hendrick Fisher, Samuel Tucker, John Wetherill, Robert Friend Price, John Hinchman, John Mehelm, and Edward Taylor.

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was the union of sentiment among the people, and so systematic their opposition, that not a single chest of the cargoes, sent out by the East India Company, was sold for their benefit.

VI. The conduct of the colonists, generally, in relation to the tea ships, and, especially, the daring trespass at Boston, gave great umbrage to the King. In his message* to Parliament, he characterized the colonial proceedings as obstructing the commerce of Great Britain, and subversive of her constitution. High and general indignation was excited in that body. His Majesty's measures were almost unanimously approved, and pledges were given to secure the due execution of the laws, and the dependence of the colonies. To maintain that dependence, the whole nation seemed disposed to approve and support the severest measures of the ministry. All consideration for the just rights of the colonists, was lost in the desire to punish their audacity; and, for the moment, the patriot forgot his principles, and the merchant his interest, whilst fired with indignation at the bold resistance to the will of the parent state.

VII. Upon Massachusetts the vials of wrath were first poured out. Before the magnitude of her guilt the offences of other colonies became insignificant. By one act of Parliament the port of Boston was closed, and the custom house and its dependencies transferred to the town of Salem, until compensation should be made to the East India Company, and until the King in council, should be satisfied of the restoration of peace and good order in the town of Boston: By another act, the charter of Massachusetts was subverted; the nomination of counsellors, magistrates, and other officers, being vested in the crown, during the royal pleasure: By a third, persons indicted in that province, for any capital offence, if an allegation were made on oath to the governor, that such offence had been committed, in aid of the magistracy in the suppression of riots, and that a fair trial could not be had in the province, might be sent to any other colony, or to Great Britain, for trial. A bill was also passed for quartering soldiers upon the inhabitants. But these penal bills were not wholly unopposed, in either house of Parliament; in the Lords, the minority entered their protest against each.

VIII. An act passed simultaneously with the foregoing, making more effectual provision for the government of the province of Quebec, excited as much indignation and more dread among the colonies, than the severe measures against Massachusetts. The latter might be palliated as the result of indignation, violent, but not causeless; while the former, vesting the legislative power in a council dependent on the crown, and subjecting the whole revenue to the King's disposal, bore strong indications of the resolution of the ministry to take from the colonies, generally, the right of self-government. Had sympathy failed to unite the other provinces to the fate of Massachusetts, regard to their common safety, so openly threatened, would have rendered their union indissoluble. Both were intensely felt.

IX. The inhabitants of Boston had foreseen the present crisis, and they met it with undaunted spirit. Information of the passage of the port act was received on the tenth of May, and on the thirteenth, the town resolved, "that if the other colonies would unite with them to stop all importations from Great Britain and the West Indies, until that act should be repealed, it would prove the salvation of North America and her liberties; but should they continue their exports and imports, there was reason to fear that fraud, power, and the most odious oppression, would triumph over justice, right, social happiness, and freedom." A copy of this resolution was transmitted to the other colonies, the inhabitants of which expressed deep sympathy in the sufferings

* 7th March, 1774.

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of their brethren in Boston, endured in the common cause; and concurring in opinion with them on the propriety of convening a provincial Congress, delegates for that purpose were generally chosen.

Throughout the continent, the first of June, the day on which the Boston port act was to take effect, on the resolution of the Assembly of Virginia, was adopted as a day of fasting, humiliation, and prayer, to implore the divine interposition to avert the heavy calamity which threatened destruction to their civil rights, and the evils of civil war, and to give one heart and one mind to the people, firmly to oppose every invasion of their liberties.

X. Early in the month of July, the inhabitants of the several counties of New Jersey, assembled at their respective county towns, and adopted resolutions strongly disapprobatory of the course of the ministry and of the late acts of Parliament, closing the port of Boston, invading the charter rights of the province of Massachusetts, subjecting supposed offenders to trial in other colonies and in Great Britain, and sending an armed force to carry these injurious measures into effect. They nominated deputies, to meet in convention, for the purpose of electing delegates to the general Congress, about to convene at Philadelphia. The Convention, consisting of seventy-two members, selected from the most intelligent and respectable citizens of the colony, among whom were many members of Assembly, met at New Brunswick on the twenty-first of July, 1774; and choosing Stephen Crane, chairman, and Jonathan D. Sergeant, clerk, proceeded to reiterate the sentiments of their constituents, and to nominate James Kinsey,* William Livingston, John De Hart, Stephen Crane, and Richard Smith to represent them in Congress, and the following gentlemen as a standing committee of correspondence:† William Peartree Smith, John Chetwood, Isaac Ogden, Joseph Borden, Robert

* Kinsey left Congress in November, 1775, refusing to take the republican oath of allegiance.—*Journal of Congress, 2d December*, 1775. He was highly esteemed notwithstanding the course he took at this time. "He is a very good man," says Governor Livingston, in a letter to Samuel Allinson, of the 25th of July, 1778, "though not the best hand on deck in a storm." To Kinsey himself the governor wrote, 6th of October, of the same year: "As I find myself engaged in writing to my old friend, I cannot help embracing this opportunity to express my concern at your standing so much in your own light, as to forego your practice rather than submit to a test, which all governments ever have, and ever will, impose upon those who live within the bounds of their authority * * * *. Your voluntary consent to take the test prescribed by law, would soon restore you to the good opinion of your country, (every body allowing you, notwithstanding unaccountable political obliquities, to be an honest man) and your way to the magistracy would, doubtless, be easy and unincumbered." Some years afterwards Mr. Kinsey became chief justice. He died about 1801.—*Sedgwick's Life of Livingston*, p. 169.

We find the following minute in the votes of the Assembly, November 17, 1775. "Mr. Kinsey and Mr. De Hart, two of the delegates appointed by this House, to attend the continental Congress, applied to the House for leave to resign their said appointments, alleging that they are so particularly circumstanced, as to render their attendance, exceedingly, inconvenient to their private affairs." On the 22d November, their resignations were accepted, and the three remaining delegates, or any two of them, were empowered to represent the colony in Congress.

† Mr. De Hart appears to have soon grown weary in the race. On the organization of the state government he was elected a judge of the Supreme Court, but refused the office. Mr. Smith held out much longer, but his course was equivocal. He was a representative from Burlington, in the first legislative council, but did not attend its session. Upon a requisition to perform his duties, by the council, he tendered his resignation, which was rejected, on the ground that the constitution did not warrant its acceptance. Persevering in his refusal, the council, on the seventeenth of May, 1777, resolved, "that he had neglected and refused to perform the duties of his station, as a member of that House, in divers instances, and, particularly, by contumaciously withholding his attendance at that sitting, though duly and repeatedly summoned; and that he be expelled." He was re-elected to council in the succeeding October, but it does not appear that he served. He was elected state-treasurer, in joint meeting, September 5th, 1776, and performed the duties of that station for about six months.

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Field, Isaac Pierson, Isaac Smith, Samuel Tucker, Abraham Hunt, and Hendrick Fisher.

XI. The delegates from eleven provinces assembled at Philadelphia, on the fourth of September; those from North Carolina did not appear until the fourteenth.* On the fifth, Peyton Randolph, of Virginia, was unanimously chosen president, and Charles Thompson elected secretary. As the Congress was composed of men who gave tone to the sentiments of the provinces which they respectively represented, it was in course, that the prominent acts of the colonies should be supported and enforced with the ability and dignity pertaining to their joint endeavours. Still there was a chivalrous disregard of self, in the prompt and energetic approbation of the highest measures of Massachusetts, which history rarely discloses among a temperate and calculating people, even amid the excitements of political revolution; and which leads us to believe, that even at this time, independence of Great Britain was a foregone conclusion, in the bosoms of most members of the Congress, which yet, they scarce dared acknowledge to themselves, still less breathe to others.

Whilst expressing "their sympathy in the sufferings of their countrymen of Massachusetts, under the late unjust, cruel, and oppressive acts of the British Parliament," Congress approved of the resolve of the county of Suffolk, in which Boston lies, "that no obedience was due from that province to such acts, but that they should be rejected as the attempts of a wicked administration." They resolved, that contributions from all the colonies, for supplying the necessities, and alleviating the distresses of their brethren at Boston, ought to be continued in such manner, and so long, as their occasions might require. They requested the merchants of the several colonies to refuse new orders for goods from Great Britain, and to suspend the execution of such as had been sent, until the sense of Congress, on the means to be adopted for the preservation of the liberties of America, should be made public. And soon after, they adopted resolutions prohibiting the importation, the purchase, or use, of goods from Great Britain, or Ireland, or their dependencies, after the first day of the succeeding December; and directing that all exports to Great Britain and the West Indies, should cease on the tenth of September, 1775, unless American grievances should be sooner redressed. An association, corresponding with these resolutions, was then framed, and signed by every member present. "Never," says Mr. Marshall, "were laws more faithfully observed, than were the resolves of Congress at this period, and their association was, of consequence, universally adopted."

The better to enforce these resolutions, Congress recommended the appointment of committees in the several counties and towns, who, soon after their appointment, under the names of committees of superintendence and correspondence, assumed no inconsiderable portion of the executive power and duties in the several colonies, and became efficient instruments in aiding the progress of the revolution.

XII. The New Jersey delegates reported the proceedings of Congress to the Assembly of that colony, on the 11th January, 1775, by whom they were unanimously approved; *such members as were Quakers, excepting, only, to such parts as seemed to wear an appearance, or might have a tendency to force, as inconsistent with their religious principles.*

And the House resolved, that the same gentlemen should represent the colony in the future Congress, should report their proceedings therein to the Assembly at its next session; should propose and agree to every *reasonable*

* Congress held their sessions in Carpenter's Hall.

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and constitutional measure, for the accommodation of the unhappy differences subsisting between the mother and her colonies. And having been informed that at the preceding Congress, an attempt was made to give some of the colonies a greater number of votes than others, in determining questions before it, the Assembly, instructed their delegates not to agree to a measure of that kind unless upon condition, that no vote so taken, should be obligatory on any colony, whose delegates did not assent thereto. The equality of the colonies in their deliberations was, however, preserved, and all questions were, throughout the contest, resolved by Congress, each colony having a voice alike potential.

XIII. The joint action of the colonies was, specially, obnoxious to the royal government; and the governors of the respective colonies threw every obstacle in their power in the way of its accomplishment. To this end, Governor Franklin refused to summon the Assembly, notwithstanding the petitions of the people; and the first delegates to Congress were consequently elected by a convention, and not by the House. On opening the session of the Assembly, January, 1775, he observed. "It would argue not only a great want of duty to his Majesty, but of regard to the good people of this province, were I, on this occasion, to pass over in silence, the late alarming transactions in this and the neighbouring colonies, or not endeavour to prevail on you to exert yourselves in preventing those mischiefs to this country, which, without your timely interposition, will, in all probability, be the consequence.

"It is not for me to decide on the particular merits of the dispute between Great Britain and her colonies, nor do I mean to censure those who conceive themselves aggrieved, for aiming at a redress of their grievances. It is a duty they owe themselves, their country, and their posterity. All that I would wish to guard you against, is the giving any countenance or encouragement to that destructive mode of proceeding which has been unhappily adopted, in part, by some of the inhabitants of this colony, and has been carried so far in others, as totally to subvert their former constitution. It has already struck at the authority of one of the branches of the Legislature in a particular manner. And if you, gentlemen of the Assembly, should give your approbation to transactions of this nature, you will do as much as lies in your power, to destroy that form of government, of which you are an important part, and which it is your duty by all lawful means to preserve. To you, your constituents have entrusted a peculiar guardianship of their rights and privileges, you are their legal representatives, and you cannot, without a manifest breach of your trust, suffer any body of men in this, or any of the other provinces, to usurp and exercise any of the powers vested in you by the constitution. It behooves you, particularly, who must be constitutionally supposed to speak the sense of the people at large, to be extremely cautious in consenting to any act whereby you may engage them as parties in, and make them answerable for measures which may have a tendency to involve them in difficulties far greater than those they aim to avoid."

"Besides, there is not, gentlemen, the least necessity, consequently, there will not be the least excuse for your running such risks, on the present occasion. If you are really disposed to represent to the King any inconveniences you conceive yourselves to lie under, or to make any propositions on the present state of America, I can assure you, from the best authority, that such representations or propositions will be properly attended to, and certainly have greater weight coming from each colony in its separate capacity, than in a channel, the propriety and legality of which there may be much doubt."

"You have now pointed out to you, gentlemen, two roads—one evidently leading to peace, happiness, and a restoration of the public tranquillity—the other inevitably conducting you to anarchy and misery, and all the horrors

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of a civil war. Your wisdom, your prudence, your regard for the true interests of the people, will be best known, when you have shown to which road you give the preference. If to the former, you will probably afford satisfaction to the moderate, the sober, and discreet part of your constituents. If to the latter, you will perhaps give pleasure to the warm, the rash, and inconsiderate among them, who, I would willingly hope, violent, as is the temper of the present times, are not even now the majority. But, it may be well for you to remember, should any calamity hereafter befall them from your compliance with their inclinations, instead of pursuing, as you ought, the dictates of your own judgment, that the consequences of their returning to a proper sense of their conduct, may prove deservedly fatal to yourselves."

XIV. These persuasions were powerless, as we have seen, with the Assembly, who, unanimously approved and adopted the very measures which the governor condemned; and it may be proper to give their justification of their conduct, in the reply of the House to his address.

"We should have been glad," they say, "that your excellency's inclinations to have given us early an opportunity of transacting the public business, as was consistent with our 'convenience,' had terminated in a manner more agreeable to your design, and more favourable to us, than it really has done, on the present occasion. If the petitions, which we understand have been presented to you, had been granted, we should have had a meeting more convenient to us than the present; and that meeting, perhaps, would have prevented some of those 'alarming transactions,' which your excellency's apprehensions of your duty leads you to inform us, as having happened in this colony. We thank you for your intention to oblige us; but that it may not be so entirely frustrated in future, permit us to inform you, it will be much the most agreeable to us, that the meeting of the House, to do public business, should not be postponed to a time later than when the bill for the support of government expires."

"We are sorry to hear, that in your excellency's opinion, there has been of late, any 'alarming transactions' in this and the neighbouring colonies; our consent to, or approbation of which, may lead the good people we represent, into 'anarchy, misery, and all the horrors of a civil war.' It is true you are pleased to tell us, that this destructive mode of proceeding has been adopted, but 'in part,' by some of the inhabitants of this colony. We assure you, that we neither have, nor do intend to give our approbation to measures destructive to the welfare of our constituents, and in which we shall be equally involved with them.—Their interests and our own, we look upon as inseparable. No arguments are necessary to prevail on us to endeavour to prevent such impending calamities; and if we should, at any time, mistake our duty so much, we hope your regard to the public will induce you to exert the prerogative, and thereby give them the choice of other representatives, who may act with more prudence. The uncertainty, however, to what 'alarming transactions,' in particular, you refer, renders it sufficient for us to assure you, only, that we profess ourselves to be the loyal subjects of the King, from whose goodness we hope to be relieved from the present unhappy situation; that we will do all in our power to preserve that excellent form of government, under which we at present live; and that we neither intend to usurp the rights of others, nor suffer any vested in us by the constitution, to be wrested out of our hands, by any person or persons whatever.

"We sincerely lament the unhappy differences which at present subsist between Great Britain and her colonies. We shall heartily rejoice to see the time, when they shall subside, on principles consistent with the rights and interests of both, which we ardently hope is not far off; and though we can-

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not conceive how the separate petition of one colony, is more likely to succeed, than the united petitions of all, yet, in order to show our desire to promote so good a purpose, by every proper means, we shall make use of the mode pointed out by your excellency, in hopes that it will meet that attention, which you are pleased to assure us, will be paid to the representatives of the people."

This was the language of men who had well weighed their measures, and were resolved to abide their consequences. Nor is such resolution rendered less obvious, by the tone of irony and *persiflage*, which pervades their comments on the specious, but hollow assurances of the governor, of the success which might ensue a departure from the union entered into by the colonies.

XV. The rejoinder of the governor, was remarkable for good temper and moderation; evincing that his course was prompted, more by the duties of his station, than by his judgment, which would probably have united him with the people.

"Were I to give such an answer," he said, "to your address, as the peculiar nature of it seems to require, I should be necessarily led into the explanation and discussion of several matters and transactions, which, from the regard I bear to you, and the people of this colony, I would far rather have buried in perpetual oblivion. It is, besides, now vain to argue on the subject, as you have with the most uncommon and unnecessary precipitation, given your entire approbation to that destructive mode of proceeding, which I so earnestly warned you against. Whether, after such a resolution, the petition you mention, can be reasonably expected to produce any good effect; and whether you or I have best consulted the true interests of the people, on this important occasion, I shall leave others to determine."

The language of the council, however, was in a different tone, and as loyal as the governor himself could desire. "We agree with your excellency," say they, "that it would argue not only a great want of duty to his Majesty, but of regard to the good people of this province, were we, on this occasion, to pass over in silence, the present alarming transactions, which are so much the objects of public attention, and, therefore, beg leave to assure you, that feeling ourselves strongly influenced, by a zealous attachment to the interests of Great Britain and her colonies, and deeply impressed with a sense of the important connexion they have with each other, we shall, with all sincere loyalty to our most gracious sovereign, and all due regard to the true welfare of the inhabitants of this province, endeavour to prevent those mischiefs which the present situation of affairs seems to threaten; and by our zeal for the authority of government on the one hand, and for the constitutional rights of the people on the other, aim at restoring that health of the political body, which every good subject must earnestly desire."

"Your excellency may be assured, that we will exert our utmost influence, both in our public and private capacities, to restore that harmony between the parent state, and his Majesty's American dominions, which is so essential to the happiness and prosperity of the whole empire. And earnestly looking for that happy event, we will endeavour to preserve peace and good order, among the people, and a dutiful submission to the laws."

XVI. The committee appointed for the purpose, composed of Messrs. Wetherill, Fisher, Ford, Tucker, and Shepherd, reported a petition to his Majesty, which was adopted by the House. This instrument contained, in a short compass, the black catalogue of the grievances of the colonies, and prayed for that redress, which his Majesty's gracious assurances signified by their governor, that the representations or propositions of the colonies would be attended to, led them to expect.

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In England, the proceedings of the Americans were still viewed with great indignation by the King and his ministry. His Majesty, in his opening speech,* to a Parliament newly elected, declared, before intelligence had been received of the course of the Congress, "that a most daring spirit of resistance and disobedience to the laws unhappily prevailed in the province of Massachusetts, and had broken forth in fresh violences of a very criminal nature; and that these proceedings had been countenanced and encouraged in his other colonies; that unwarrantable attempts had been made to obstruct the commerce of his kingdoms by unlawful combinations; and that he had taken such measures, and given such orders, as he judged most proper and effectual for carrying into execution the laws, which were passed in the last session of the late Parliament, relative to the province of Massachusetts; an address, echoing the royal speech, was carried by large majorities in both Houses of Parliament, but not without a spirited protest from some few lords of the minority.†

XVII. The reception, in London, of the proceedings of Congress appeared to have a momentary beneficial effect upon their cause. The administration was staggered, and the opposition triumphed in the truth of their predictions, that the measures pursued by the ministry would unite all the colonies in resistance. The petition of Congress to the King was declared by the Secretary of State, after a day's perusal, to be decent and proper, and was received, graciously, by his Majesty, who promised to lay it before his two Houses of Parliament. But the ministry had resolved to compel the obedience of the Americans. Hence every representation from America, coming through channels other than ministerial partisans, was unwillingly received, and denied all credit. The remonstrances of the representatives of three millions of men, made under the most awful and affecting circumstances, and the most sacred responsibilities, were treated, perhaps believed, as the clamours of an unruly multitude. In vain did the merchants of London, Bristol, Glasgow, Norwich, Liverpool, Manchester, Birmingham, and other places, by petition, pourtray the evils which must result from such determination, and predict the dangers to the commercial interests of the kingdom: In vain did the planters of the sugar colonies, resident in Great Britain, represent, that the profits on British property in the West India islands, amounting to many millions, which ultimately centered in Great Britain, would be deranged and endangered by the continuance of the American troubles: In vain did the venerable Earl of Chatham, roused from a long retirement, by the danger of losing these colonies, which his own measures had protected, and, seemingly, assured to the parent state, apply his comprehensive mind and matchless eloquence to arrest the fatal course of the administration: In vain, from a prophetic view of events, did he demonstrate the impossibility of subjugating the colonies; and urge the immediate removal of the troops collected by General Gage, at Boston, as a measure indispensably necessary to open the way for an adjustment of the differences with the provinces: In vain, when undiscouraged by the rejection of the motion, did he propose a bill for settling the troubles in America. The period of American emancipation had approached, and the power which might have delayed it, was providentially stultified.

XVIII. Both Houses of Parliament joined in an address to the King, declaring "that they find a rebellion actually exists in the province of Massachusetts." This was followed by an act for restraining the trade and com-

* October 30th.

† Richmond, Portland, Rockingham, Stamford, Stanhope, Torrington, Ponsonby, Wycombe, and Camden.

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merce of the New England provinces, and prohibiting them from carrying on the fisheries on the banks of Newfoundland, which was subsequently extended to New Jersey, Pennsylvania, Maryland, Virginia, South Carolina, and the counties on the Delaware.

Pending the consideration of this bill, Lord North introduced what he termed a conciliatory proposition. It provided that when any colony should propose to make provision, according to its circumstances, for contributing its proportion to the common defence, (such proportion to be raised under the authority of the General Assembly of such colony, and *disposable by Parliament*,) and should engage to make provision also, for the support of the civil government, and the administration of justice in such colony; it would be proper, if such proposal were approved by his Majesty and Parliament, and for so long as such provision should be made, to forbear to levy any duty or tax, except such duties as were expedient for the regulation of commerce; the net produce of such duties to be carried to the account of such colony. This proposition was opposed by the friends of the minister, as an admission of the correctness of the American views as to taxation by Parliament, and as a concession to armed rebels; until it was explained, that the resolution was designed to enforce the essential part of taxation, by compelling the Americans to raise, not only what they, but what Parliament, should think reasonable. The minister declared, "that he did not expect the proposition would be acceptable to the Americans; but, that, if it had no beneficial effect in the colonies, it would unite the people of England by holding out to them a distinct object of revenue; that, as it tended to unite England, it would produce disunion in America; for, if one colony accepted it, the confederacy, which made them formidable, would be broken."

This avowal of the character and tendency of the resolution was not requisite to enlighten the colonists. On its transmission to the provinces, it was unanimously rejected.

XIX. For the sole purpose of communicating this resolution, Governor Franklin convened the Assembly of New Jersey, at Burlington, on the 15th of May, 1775; when, by a long and elaborate speech, he sought to set it before them, in a light, different from that in which it had been viewed by the Legislatures of the other colonies. Soon after the opening of the session, a circumstance occurred, illy adapted to prepare the House for any favourable impression from the governor. Mr. Tucker laid before the Assembly, a copy of "The Parliamentary Register, No. 5," containing, among other things, an extract of a letter, from Governor Franklin to the Earl of Dartmouth, dated the 1st February, 1775, received February 28th; in which the governor represents the House as divided in their approbation of the proceedings of the late Congress. The House sent the governor a copy of the extract, with a request, to be informed, whether it contained a true representation of the words or substance of the letter written by him, relative to the proceedings of the last session of Assembly. His excellency complained of the course of the House, in entering the extract upon their minutes, and endeavouring to inculpate him; but denied the correctness of the extract. The House was still dissatisfied, and referred his answer to a committee, to report thereon, at the next session, when the matter was suffered to fall, without further notice. Under the excitement produced by this affair, the House replied to the governor's address, delivered at the opening of the session.

"As the continental Congress," they said, "is now sitting, to consider of the present critical situation of American affairs, and as this House has already appointed delegates for that purpose, we should have been glad that

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your excellency had postponed the present meeting, until their opinion could be had upon the resolution now offered for our consideration, and to which we have no doubt a proper attention will be paid; more especially, as we cannot suppose you to entertain a suspicion, that the present House has the least design to desert the common cause, in which all America appears both deeply interested, and firmly united, so far as separately and without the advice of a body, in which all are represented, to adopt a measure of so much importance. Until this opinion be known, we can only give your excellency our present sentiments, being fully of the opinion, that we shall pay all proper respect to, and abide by the united voice of the Congress on the present occasion." * * * * * "We confess that your excellency has put a construction on the proposition which appears to us to be new, and if we could be of the opinion that the resolution 'holds no proposition beyond the avowal of the justice, the equity, and the propriety of subjects of the same state, contributing according to their abilities and situation to the public burdens,' and did not convey to us the idea of submitting the disposal of all our property to others, in whom we have no choice, it is more than probable, that we should gladly embrace the opportunity of settling this unhappy dispute."

"Most Assemblies on the continent have, at various times, acknowledged and declared to the world their willingness, not only to defray the charge of the administration of justice and the support of the civil government, but also to contribute, as they have hitherto done, when constitutionally called upon, to every reasonable and necessary expense for the defence, protection, and security of the whole English empire; and this colony in particular, hath always complied with his Majesty's requisitions for these purposes: And we do assure your excellency, that we shall always be ready, according to our abilities and to the utmost of our power, to maintain the interest of his Majesty and of the parent state. If, then, your excellency's construction be right, and if a 'proposal of this nature,' will, as you are pleased to inform us, be received by his Majesty with every possible indulgence, we have hopes, that the declaration we now make, will be looked on by his Majesty and his ministers, not only to be similar to what is required from us, but also to be, "a basis of a negotiation, on which the present differences may be accommodated—an event which we most ardently wish for."

"We have considered the resolution of the House of Commons. We would not wish to come to a determination, that might be justly called precipitate, in the present alarming situation of affairs. But if we mistake not, this resolution contains no new proposal. It appears to us to be the same with one made to the colonies, the year preceding the passage of the stamp act. America then did not comply with it; and though we are sincerely disposed to make use of all proper means to obtain the favour of his Majesty and the Parliament of Great Britain, yet we cannot in our present opinion, comply with a proposition, which we really apprehend to give up the privileges of freemen; nor do we want any time to consider, whether we shall submit to that, which, in our apprehension, will reduce us and our constituents to a state little better than that of slavery."

"By the resolution now offered, if assented to, we think we shall be to all intents and purposes, as fully and effectually taxed by our fellow subjects, in Great Britain, where we have not any representation, as by any of the late acts of the British Parliament, under which we have been aggrieved, of which we have complained, and from which we have prayed to be relieved; and that, too, in a much greater degree perhaps, than by all those acts put together. We cannot consent to subject the property of our constituents to be taken away for services and uses, of the propriety of which we have no right to judge, while to us, are only left the ways and means of raising the money.

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We have always thought and contended, that, we had a right to disposeof our property ourselves, and we have always cheerfully yielded our assistance to his Majesty in that way, when the exigencies of affairs required us so to do, and he has condescended to ask it of us. At this period we cannot form any judgment, either of the extent of the proposition, or of the consequences in which the good people of the colony may be involved, by our assent to a provision so indeterminate, for it appears to us to be impossible to judge what proportion or share the people can bear, until we know what situation they will be in, when any sum is intended to be raised."

"Upon the whole, though sincerely desirous to give every mark of duty and attachment to the King, and to show all due reverence to the Parliament, we cannot, consistently, with our real sentiments, and the trust reposed in us, assent to a proposal big with consequences destructive to the public welfare, and hope that the justice of our parent country will not permit us to be driven into a situation, the prospect of which fills us with anxiety and horror."

If the governor really supposed that he could prevail on the colony over which he presided to separate from the union, he had egregiously mistaken his power; but he laboured so earnestly to effect this object, that his defeat should not, and did not lessen his claim upon the favour of his royal master. He observed, however, that his labour was in vain, and had the good sense to retire from further contest by a short and moderate rejoinder.

Congress had fixed on the month of May, for their next meeting, that the disposition of the parent state might be known previously to their deliberations. They entertained hopes, that their re-assembling might be unnecessary; that the union of the colonies, their petition to the King, and address to the people of Great Britain, might lead to the redress of their grievances. But these flattering delusions now gave place to the stern and gloomy truth, that their rights must be defended by the sword, their quarrel be determined by the god of battles. For this appeal, the colonies, generally prepared, as soon as the proceedings of Parliament, and the resolution of the ministry to send out additional troops were known. Means were every where taken to organize and instruct the militia, and to procure arms and munitions of war.

XXI. The New Jersey committee of correspondence appointed by the convention, met at New Brunswick on the second of May, 1775; when taking into consideration the alarming and very extraordinary conduct of the British ministry for executing the acts of Parliament, as also the several acts of hostility which had been actually commenced for this purpose by the regular forces under General Gage, they directed their chairman, immediately, to call a second provincial convention, to meet at Trenton on the 23d of May, to consider and determine on such matters as should then come before them.*

This important body met at the time and place appointed, and elected Hendrick Fisher their president, Samuel Tucker, vice-president, Jonathan D. Sergeant, Secretary, and William Patterson, and Frederick Frelinghausen, his assistants. On the resignation of Mr. Sergeant, soon after, Mr. Patterson was chosen principal, and Mr. Frelinghausen deputy secretary.

Under a deep and religious sense of the responsibility they had assumed, the members of the Convention declared, that, "Inasmuch as the business on which this Congress are now assembled, and is likely to engage their deliberation, appears to be of the highest moment, and may, in the event, affect the lives and properties, the religion and the liberties of their constituents,

* See Appendix, note CC, for the names of the members.

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and of their remotest posterity, it unquestionably becomes the representative body of a Christian community, to look up to that all powerful Being, by whose providence all human events are guided, humbly imploring his divine favour, in presiding over, and directing their present councils, towards the re-establishment of order and harmony between Great Britain and her distressed colonies; and that he would be graciously pleased to *succeed* the measures that may be devised as most conducive to these desirable ends: It is, therefore, ordered, that the president do wait on the ministers of the gospel in this town, and in behalf of this Congress, request their alternate attendance and service, every morning at eight o'clock, during the session, in order, that the business of the day may be opened with prayer for the above purposes."

The president opened to the Congress, the important occasion of their meeting, recommending the utmost deliberation in determining on the measures to be pursued in the defence of their rights and privileges, to which, by their *happy constitution*, the inhabitants of the province were justly entitled, and that due care might be taken to support the established civil authority, (so far as might consist with the preservation of their fundamental liberties) for the maintenance of good order and the undisturbed administration of justice. The restriction, which regard for "the established civil authority," imposed on the power of the Congress, was, indeed, very inconsiderable. For the Convention, reflecting the majesty of the people, assumed as occasion required, the full power of all the branches of government.

They proceeded, to take into consideration the unhappy contest between Great Britain and the colonies, which they determined was of such a nature, and had reached such a crisis, that the Convention had become absolutely necessary, to provide such ways and means for the security of the province as the exigencies of the times require: and at the same time declared, that they had assembled with the profoundest veneration for the person and family of his sacred majesty, George III., firmly professing all due allegiance to his rightful authority and government. And as a majority of the members of the Legislature, convened at Amboy, in the preceding January, had been instructed by their constituents, to appoint deputies to the Congress, and some of the counties had omitted so to instruct their representatives, who, notwithstanding, had cordially joined in such appointment, the Convention approved the nomination, and rendered thanks to the House, for the regard they had shown for the rights and liberties of the province, in timely adopting the continental association, and resolving in favour of the resolutions and proceedings of the continental Congress. But the Convention, also, resolved, that whenever a continental Congress should again be necessary, that it would be most eligible, for the inhabitants of each county, to apoint deputies for the purpose of electing delegates.

On the twenty-fifth of May, a written message was addressed to the continental Congress, then, in session at Philadelphia, declaring that the provincial Congress was convened "with dispositions most heartily to concur, to the utmost of their abilities, in the common cause of America, but that they did not deem it advisable to enter into any measures of consequence, until some general plan had been adopted by the general Congress: That, in this first instance of such an assembly in the colony, without precedent for their direction, and anxiously desirous to make their provincial measures consistent with that plan, they deemed it necessary, by a special deputation, to request such advice and assistance as the Congress might be disposed to give.* This deputation reported on the thirtieth, that the Congress was not,

* This committee consisted of William P. Smith and Elias Boudinot.

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then, prepared to give any advice upon the state of the province, but promised due attention to the request.

The Convention adopted the following form of association, which they directed to be sent to the committees of observation or correspondence in the several counties, which had not already associated in a similar manner, in order that it might be signed by the inhabitants.

"*We*, the subscribers, freeholders and inhabitants of the township of in the county of and province of New Jersey, having long viewed with concern, the avowed design of the ministry of Great Britain to raise a revenue in America; being deeply affected with the cruel hostilities, already commenced in the Massachusetts Bay, for carrying that arbitrary design into execution; convinced that the preservation of the rights and privileges of America depends, under God, on the firm union of its inhabitants; do, with hearts abhorring slavery, and ardently wishing for a reconciliation with our parent state, on constitutional principles, solemnly associate and resolve, under the sacred ties of virtue, honour, and love to our country, that we will, personally, and so far as our influence extends, endeavour to support and carry into execution, whatever measures may be recommended by the continental and our provincial Congress, for defending our constitution and preserving the same inviolate. We do, also, further associate and agree, as far as shall be consistent with the measures adopted for the preservation of American freedom, to support the magistrates and other civil officers in the execution of their duty, agreeable to the laws of this colony, and to observe the direction of our committee, acting according to the resolutions of the continental and provincial Congresses; firmly determined, by all means in our power, to guard against those disorders and confusions to which the peculiar circumstances of the times may expose us." Surely, no more effectual mode could have been devised, of subjecting a people to the will of their leaders, than this association and its written pledge. Happily, the leaders and the people had the same interest, which the former steadily pursued.

Mr. Pierpoint Edwards, having been deputed from Connecticut to New Jersey, for the purpose of obtaining intelligence of the true state of the province, and to communicate the actual condition of his own, the Convention gave their state and purposes as we have detailed them; and they, also, opened a correspondence with the provincial Congress of New York.

The organization of the military force was, in every colony, an object of the first importance, and received from the provincial Congress of New Jersey, due attention. One or more companies of eighty men, each, were directed to be formed in each township or corporation, from the male inhabitants between sixteen and fifty years of age, under the supervision of the respective committees, with power to elect their commissioned officers: The officers of the companies determined the number which should form a regiment, and named the officers. And as the inhabitants of Morris, Sussex, and Somerset counties, had made spirited exertions in raising minute men, pledged to march to any point of the country whenever called on, the Congress approved their conduct, and voted their thanks.

In order to raise the necessary funds, the convention imposed a tax of ten thousand pounds, which they apportioned, specifically, among the several counties; and each county quota was apportioned among the townships, by the township committees, according to the act of Assembly, settling the quotas of the several counties, to be collected by agents nominated by the township committees, and to be paid to the treasurer of the county committees. Then, after appointing a committee of their body, any three of whom, together with

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the president or vice-president, were empowered to convoke them, the Congress adjourned, upon the 3d day of June, after a session of eleven days.

XXII. Before the continental Congress again met,* hostilities between the colonists and the British troops in America, had commenced. The battle of Lexington was fought,†—and Ticonderoga captured;‡—and soon after, the ever memorable engagement at Breed's Hill,§ gave confidence to the colonists; and the British army, under General Gage, was besieged in Boston. Instead of contending against orations of ministers, votes and acts of Parliament, by petition and remonstrance, addresses and resolutions, Congress was now to be employed, in developing the resources and directing the energies of the colonies, to resist the military power of Great Britain.

Peyton Randolph was again chosen president, but being in a few days called to his duties, as speaker of the house of burgesses, of Virginia, Mr. John Hancock, of Boston, was unanimously elected his successor. Mr. Charles Thompson was re-appointed secretary. The leading patriots had long foreseen, that, the controversy must be decided by arms; yet they were anxious, that the odium of the war should fall on their oppressors. Care was, therefore, taken, to show that the royal troops had been the aggressors at Lexington; and the inhabitants of New York were advised to act, defensively, on the arrival of British troops there; to permit the forces to remain in barracks, but to suffer no fortifications to be erected, nor the communication between the town and country to be impeded. To this cause, we must also assign the resolution of Congress ascribing the capture of Ticonderoga, to the imperious necessity of resisting a cruel invasion from Canada, planned and commenced by the ministry.

Congress promptly proceeded to further measures of offence and defence. They prohibited exports to such parts of British America, as had not joined the confederacy—forbade the supply of provisions, or other necessaries, to the English fisheries on the coast, to the army and navy in Massachusetts, and to vessels employed in transporting British troops and munitions of war; and interdicted the negotiation of bills of exchange, drawn by British officers, agents or contractors, and the advance of money to them, on any terms whatever. To secure the colonies against the forcible execution of the late obnoxious acts of Parliament, they resolved, to put them immediately in a state of defence; recommending to them, severally, to provide the munitions of war—to prepare the militia; so classing them, that a fourth of their number might be drawn into action, at a minute's warning; and to form a corps for continual service;—authorizing each colony, apprehensive of attack, to levy one thousand regulars at the expense of the confederacy. They organized the higher departments of the army, framed regulations for its government, and issued three millions of dollars, in bills of credit, for its maintenance. They prepared an address to the army and the people, reviewing the conduct of Great Britain, exposing the enormity of her pretensions, exhibiting the dreadful alternative she had created, of unconditional submission, or resistance by arms, and asserting the justice of their cause, the competency of the means to maintain it, and their fixed determination to employ, at every hazard, the utmost energy of the powers granted them by their Creator, for the preservation of their liberties. This spirit-stirring manifesto closed with the following solemn protestation.—"In our native land, in defence of the freedom which is our birth-right, and which we ever enjoyed, until the late violation of it, for the protection of our property, acquired solely by the honest industry of our forefathers, and ourselves, against violence actually

* 10th May, 1775.
† 19th April.
‡ 9th May.
§ June 17th, 1775.

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offered, we have taken up arms; we shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being removed, and not before."

XXIII. Under other circumstances, the selection of a commander-in-chief, amid opposing pretensions, would have been exceedingly difficult. The individual best fitted for this important trust was now a delegate in Congress, and had embarked a high character and splendid fortune, with his life, in the perilous contest. Of mature age, and advantageously known to all British America, by his military talents, sound judgment, firm temper, spotless integrity, and dignified person and demeanour, there could not exist a single personal objection to his nomination. The middle and southern districts possessed no man having superior claims to public confidence; and if the northern had a preference for an individual of their own section, policy and gratitude required its sacrifice. The delegates of Massachusetts, therefore, nominated Colonel George Washington, of Virginia, who was unanimously appointed commander-in-chief of the united colonies.* His commission, revocable by Congress, invested him with "full power and authority to act as he should think for the good and welfare of the service;" subject to the rules of war and the orders of Congress. By a resolution, simultaneous with his appointment, Congress declared, "that for the maintenance and preservation of American liberty, they would adhere to him with their lives and fortunes." The reply of Mr. Washington, to the announciation of his appointment, by the president of Congress, was marked by that modesty, disinterestedness, and devotion to duty, which eminently distinguished him. As no pecuniary motive had excited him to assume the dangerous honour, he declined all compensation for services that were inestimable; declaring that he would accept only the reimbursement of his expenses.

Soon after the nomination of the commander-in-chief, Congress created and filled the offices of subordinate generals. Artemas Ward, Charles Lee, Philip Schuyler, and Israel Putnam, were appointed major-generals, ranking in the order we have named them; Horatio Gates, adjutant-general; and Seth Pomeroy, Richard Montgomery, David Wooster, William Heath, Joseph Spencer, John Thomas, John Sullivan, and Nathaniel Greene, brigadiers.

XXIV. Although determined to resist to the uttermost the tyranny of the parent state, the colonies had given no public indication of their desire to become independent of her government. Many provincialists, certainly, looked to political independence as the possible result of the contest; some, perhaps, wished and sought it, but none avowed such wishes. The American people were proud of their derivation, and exulted in their connexion with Great Britain. Some of their most distinguished patriots could under no circumstances, resolve to break the bonds which bound them to her. It was characteristic, therefore, that, amid warlike preparations, renewed attempts should be made to propitiate the British government and people. Another petition to the King was, however, opposed by several members of the Congress, from a conviction that it would prove nugatory. But the influence of Mr. Dickenson, by whom it was proposed and written, procured its adoption.

This address, replete with professions of duty and attachment, declared, that "the provincialists not only most fervently desired the former harmony between Great Britain and the colonies to be restored, but that a concord might be established between them upon so firm a basis, as to perpetuate its

* June 15th, 1775.

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blessings, uninterrupted by any future dissentions, to succeeding generations in both countries. They, therefore, besought his Majesty to direct some mode by which the united applications of his faithful colonists to the throne, in pursuance of their common counsels, might be improved to a happy and permanent reconciliation. These sincere professions of three millions of his subjects, were contemptuously treated by the King. The petition was presented through the secretary for American affairs, on the first of September, by Messrs. Richard Penn and Henry Lee; and on the fourth, Lord Dartmouth informed them, that "to it no answer would be given." And in a speech from the throne, the colonists were accused of designing "to amuse, by vague expressions of attachment to the parent state, and the strongest protestations of loyalty to their King, while they were preparing for a general revolt; and their rebellious war was manifestly carried on for the purpose of establishing an independent empire." Contumely so unwise and undeserved, served but to confirm the scrupulous in America, in the course of resistance—removing the faintest hope of redress by the humble and pacific means of petition and remonstrance.

Whilst resorting to arms, respect for the opinions of their fellow subjects induced Congress to make an exposition of their motives in addresses to the inhabitants of Great Britain, to the people of Ireland, and to the Assembly of Jamaica. They also published a declaration to the world, setting forth the necessity of assuming arms, and recapitulating the injuries they had sustained. "We are," they said, "reduced to the alternative of choosing an unconditional submission to the tyranny of irritated ministers, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery."

General Washington, immediately after his appointment to the chief command, repaired to the army before Boston. With incredible difficulty he was enabled to maintain a show of force, which confined the British troops to that town from the month of June, 1775, until the month of March following, when the Americans, having seized and fortified Dorchester Heights, which overlooked and commanded the place, General Howe, who had succeeded General Gage,* abandoned it, and sailed with his command for Halifax.

The capture of Ticonderoga had opened the gates of Canada, and the impetuous spirit of Colonel Arnold was eager to enter them. At his instance, Congress resolved to invade that province; and from the unprepared state of its defence, and the friendly disposition of its inhabitants, well founded hopes were entertained of success. This step, which changed the character of the war from defensive to offensive, was justified by the obvious propriety of depriving the enemy, for such the parent state was now considered, of the means of assailing the colonies from that quarter. The command of this enterprise was given to Generals Schuyler and Montgomery. The former, however, soon retired, in consequence of ill health. The latter, with a force of one thousand men, having captured the fort at Chamblée, and the post of St. Johns, proceeded to Montreal in despite of the opposing efforts of General Carlton, governor of the province; and, having obtained at this place many necessary supplies, led his gallant little army to the walls of Quebec.

During the progress of General Montgomery, Colonel Arnold, with boldness and perseverance rarely surpassed, conducted a detachment to the St. Lawrence, by an unexplored course along the Kennebeck and Chaudiere rivers, through a trackless desert of three hundred miles. His force originally consisted of one thousand men, one-third of whom were compelled to

* October 10th.

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return by the want of necessaries. The remainder persevered with unabated resolution; surmounting every obstacle of mountain and forest; progressing at times, not more than five miles a day; whilst so destitute of provisions, that some of the men ate their dogs, cartouch boxes, breeches and shoes. When distant a hundred miles from any habitation, their whole store was divided, yielding only four pints of flour per man; and after having baked and eaten their last morsel, they had thirty miles to travel before they could expect relief. After a march of thirty-one days, they reached the inhabited parts of Canada, where they were kindly received, and their wants supplied by the astonished natives.

Before Montgomery attained Montreal, Arnold had reached Point Levy, opposite Quebec; and had it been possible for the latter to cross the St. Lawrence, that important place would, probably, have been, immediately, surrendered by the astonished and affrighted garrison. But the want of boats occasioned an indispensable delay of a few days, and the inhabitants, English and Canadians, alarmed for their property, united for its defence.

The prospects of the Americans, however, were not desperate. The inhabitants of Canada, many of whom were from the colonies of New England and New York, were friendly to the colonial cause, and excited by the wisdom and humanity of General Montgomery, gave the most efficient aid. The united American forces laid siege to Quebec, but the paucity of their number forbade any just expectations of reducing the place, unless by a *coup de main*. General Montgomery was induced, by various considerations, to attempt it by storm. The depth of winter was approaching; dissentions had arisen between Arnold and his officers; the specie of the military chest was exhausted, and the continental bills were uncurrent; the troops, worn by toil, were exposed to the severities of the season; the term for which many had enlisted was near expiring, and their departure for home was apprehended; and the brilliant success that had hitherto attended them had excited hopes, which their high-spirited and enthusiastic commander dreaded to disappoint. He was not unaware of the danger and hazard of such an attempt. Governor Carlton, who commanded in Quebec, was an experienced and able soldier; and the garrison, provided with every thing necessary for defence, daily acquired firmness. But success had often crowned adventures more hopeless than that which he proposed; and the triumph of Wolfe, on this very field, taught him, that to the brave and resolute, difficult things were not impossibilities.

The escalade of the town was made with a force of less than eight hundred men.* Two feints were directed, one by Colonel Livingston, at the head of his regiment of Canadian auxiliaries, the other by Major Brown; the principal attacks were conducted by Montgomery and Arnold, in person. The former advancing against the lower town, had passed the first barrier, and was preparing to storm the second, when he was killed by the discharge of a cannon fired by the last of its retreating defenders. His death so dispirited the assailants, that Colonel Campbell, on whom the command devolved, thought proper to draw them off. Arnold, at the head of about three hundred and fifty men, with irresistible impetuosity, carried a two gun battery; but in the conflict, receiving a wound from a musket ball, which shattered his leg, he was compelled to quit the field. His party continued the assault, and mastered a second barrier. But, after a contest for three hours with the greater part of the garrison, finding themselves hemmed in, without hopes of success, relief, or retreat, they yielded themselves prisoners. This issue, so unfortunate for the colonists, relieved the town from all apprehensions for its

* December 31st, 1775.

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safety; the invaders being so much weakened as to be scarce competent to their own defence. Arnold encamped at three miles distance from Quebec, and maintained his position amid many difficulties and great privations, until the spring, when he was joined by reinforcements.

The fall of General Montgomery was deplored by friends and foes. He was an Irishman by birth, and though scarce thirty-eight years of age, a veteran soldier. He had shared in the labours and triumph of Wolfe; was distinguished for talent and military genius, and blessed with a mild and constant temper, and dauntless courage. The highest honours of his profession awaited him in the British service. These he abandoned for the enjoyments of domestic happiness in the country of his adoption. But, devoted to freedom, he engaged enthusiastically in defence of the American cause, and by his early successes in the Canadian campaign, induced the highest anticipations of future greatness. In Parliament, his worth was acknowledged, and his fate lamented; the minister himself joined in his praise, whilst condemning the cause in which he fell, and concluded his involuntary panegyric, in the language of the poet, crying, "Curse on his virtues, they've undone his country." In Congress he was mourned as a martyr to liberty, and by their direction a marble monument, of beautiful simplicity, with emblematical devices, has been erected to his memory, in front of St. Paul's church, New York.

XXVI. The provincial Congress of New Jersey re-assembled on the fifth of August, 1775, and engaged in devising further means for the collection of the tax they had imposed and for the organization of the militia. They directed fifty-four companies, each of sixty-four minute men, to be organized, allotting to each county a specific number, and assigning the duty of appointing their officers to the respective county committees. The minute men entered into the following engagement: "We, the subscribers, do voluntarily enlist ourselves as minute men in the company of in the county of And do promise to hold ourselves in constant readiness, on the shortest notice, to march to any place where our assistance may be required, for the defence of this and any neighbouring colony; as also to pay due obedience to the commands of our officers, agreeable to the rules and orders of the continental Congres, or the provincial Congress of New Jersey, or during its recess, of the committee of safety." These troops were formed into ten battalions; in Bergen, Essex, Middlesex, Monmouth, Somerset, Morris, Sussex, Hunterdon, and Burlington, one each; in Gloucester and Salem one, whilst in the counties of Cumberland and Cape May were independent light infantry and rangers:—They took precedence of the other militia, and were entitled to be relieved at the end of four months, unless in actual service. Congress, also, resolved, that two brigadier-generals should be appointed, but named, at the time, only Mr. Philemon Dickenson to that command. Mr. Livingston soon after received the other commission. And as there were a number of people within the province, whose peculiar religious principles did not allow them, in any case to bear arms—the Congress declared, that they intended no violence to conscience; and, therefore, earnestly recommended it to such persons to contribute the more liberally, in these times of universal calamity, to the relief of their distressed brethren; and to do all other services to their oppressed country, consistent with their religious profession.

But the chief measure of the provincial Congress was the perpetuation of the authority which they had assumed. To this end they resolved, that, "Whereas, it is highly expedient, at a time when this province is likely to be involved in all the horrors of civil war, and when it has become absolutely necessary to increase the burden of taxes, already laid on the good

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people of this colony, for the just defence of their invaluable rights and privileges, that the inhabitants thereof should have frequent opportunities of renewing their choice and approbation of the representatives in provincial Congress:—Therefore, the inhabitants in each county, qualified to vote for representatives in General Assembly, shall meet together, (at places designated) on the twenty-first day of September next, and elect, not exceeding five substantial *freeholders* as deputies, with full power to represent such county in provincial Congress to be holden at Trenton on the third of October next:—That during the continuance of the present unhappy disputes between Great Britain and America, there be a new choice of deputies in every county, yearly, on the third Thursday of September:—That on the said Thursday in every year, such inhabitants shall choose a sufficient number of freeholders to constitute a county committee of observation and correspondence, with full power as well, to superintend and direct the necessary business of the county, as to carry into execution the resolutions and orders of the continental and provincial Congresses:—That the inhabitants of each township, so qualified, do immediately choose a sufficient number of freeholders to constitute a township committee, and that on the second Tuesday of March, thereafter, they make a like choice, to act as committee of observation and correspondence, in the townships, respectively, with power within their precincts, similar to that conferred upon the county committees.

Having appointed Jonathan D. Sergeant their treasurer, and a committee of safety to exercise their powers during the recess, the Congress adjourned to the twentieth day of the ensuing September,* at which session no important matters seem to have occurred. The Congress, elected in September, convened in October, when they were employed chiefly in modifying the ordinance for regulating the militia, and in collecting and preparing the scanty stock of munitions of war which the country contained. At their rising, this Congress, also, appointed a committee of safety from among themselves, who, in the vacation, continued the measures for the defence of the country. They called before them persons accused of disaffection to the American cause, fined, imprisoned, or held them to bail, as they deemed meet; and where the accused was an officer of the government, they suspended him from the exercise of his functions. But having received several communications from the continental Congress, relative to raising of additional force for the general service, the establishment of a court of admiralty, and regulations for the continental troops, raised in the colonies, they summoned the provincial Congress to meet at New Brunswick, on the thirty-first of January.†

The procurement of arms and munitions was a labour of very great difficulty. The policy of the continent, in its anterior warfare with the ministry, having prohibited importation, the whole country was bare of these indispensable agents of war; and to equip even one battalion, that of Colonel

* Names of committee of safety—Hendrick Fisher, Samuel Tucker, Isaac Pearson, John Hart, Jonathan D. Sergeant, Azariah Dunham, Peter Schenk, Enos Kelsey, Joseph Borden, Frederick Freelinghausen, and John Schurman.—*Min. of Convention.* This committee was changed, by the Congress holden in Trenton, in October. But I have not been able to find the minutes of the sessions of the provincial Congress of September and October, 1775. The proceedings, then had, do not seem to have been considered important, since they were not printed, so far as my researches have enabled me to dicover. The following are the names of the committee of safety appointed in October; at least of such as attended the session of January 10th, 1776; the proceedings of which have been published, viz. Samuel Tucker, president, Hendrick Fisher, vice-president, Abraham Clark, secretary, Azariah Dunham, Ruloffe Vandyke, John Dennis, Augustine Stevenson, John Pope, John Hart, Joseph Holmes.

† See Appendix, note D D, for the names of the members of provincial Congress, elected in September, 1775.

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Maxwell, ordered to march to Canada, the provincial Congress was compelled to apply to the county committees, and to appeal to the patriotism of individuals.

On the sixth of February, 1776, the Convention made a new appointment of delegates, to the continental Congress, for the current year, consisting of William Livingston, John de Hart, Richard Smith, John Cooper, and Jonathan Dickenson Sergeant, who, or any three of them, were empowered to agree *to all measures which such Congress might deem necessary*, and in case of the adjournment of the continental Congress, to represent the province in any other such Congress as might assemble during their delegation. The thanks of the Convention were given to their late representatives.

This Congress, like its predecessors, exercised the whole power of the state, assuming control over its funds, and directing its physical energies. A first measure was an endeavour to protect such points as they deemed most exposed to the forces from the British fleet; which, under the supposition, that New York was adequately defended, they believed to be Perth Amboy, and Swedesborough on the Delaware. For this object the continental Congress was solicited to take into pay two battalions and two companies of artillery; but Congress were unable to do more than order the procurement of twelve pieces of small cannon, and to engage for the maintenance of two companies of artillery, which were raised by the province. An ordinance was passed modifying the form of association, and delaring, that, though it was not the design of the Congress to offer violence to conscience, yet it was highly necessary, that all the inhabitants should associate, so far as their religious principles would permit; and, therefore, directing, that all persons, whose religious principles would not suffer them to bear arms, and to sign the general association, might sign it with the following proviso. "I agree to the above association, as far as the same is consistent with my religious principles." All persons refusing to sign this modified form, were to be disarmed, to give security for their peaceable conduct, and pay the expenses attending thereon. The township and county committees were charged with the execution of this ordinance, and appeal by a party aggrieved was permitted from the township, to the county, committee, and from the latter to the Congress. These committees were also empowered to confine any person, notwithstanding his offer of security, whose freedom might prove dangerous to the common cause. It was further declared, that all such persons, between the ages of sixteen and fifty years, who should not attend, properly accoutred, and bear arms, on the times appointed for the general muster of the militia, should pay ten shillings for each default, to be recovered by warrant of distress. And in order to encourage enlistment into the service of the United Colonies, the Congress granted to the soldiers, exemption of person and goods from execution for small debts, and to procure a supply of nitre and common salt, they established a bounty on the manufacture of both articles.

The impending invasion of New York, filled that city with alarm, and many of its inhabitants actuated by various motives, disposed themselves in the neighbouring counties of New Jersey. So numerous was this emigration that the provincial Congress, doubting, whether it was caused by cowardice or cunning, passed an ordinance to repress it.—Providing, that "whereas, large numbers of people are daily removing from the neighbouring colonies into New Jersey, and it being unknown upon what principles such removals are occasioned, whether to seek an asylum from ministerial oppression, or the resentment of their injured country, to whom they may have become obnoxious, by adhering to the present system of tyranny, now endeavouring to be executed in America; and it being inconsistent with the principles of per-

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sons, properly attached to the cause of liberty, to desert their town or county at a time their assistance may be absolutely necessary for its defence, unless the support and maintenance of their families may make such removal necessary—This Congress, therefore, think it advisable, that, although the inhabitants of this colony ought most cheerfully, to receive into their protection, and afford all the relief in their power, to all such as are helpless, and unable to defend themselves, yet they ought to prevent the desertion of places in immediate danger of attack from the enemy, by all who are proper to remain for the defence thereof, and also to prevent persons inimical to the liberties for which the United States are contending, from taking refuge in this province—For remedy whereof, they resolved, that all persons proper to bear arms, who had removed, or should remove into the colony from any city or county of another province, in danger of being suddenly attacked, should immediately return to make that defence, becoming every good citizen, unless they should produce permits from the committee of the precinct, from whence they removed, to reside in this colony, or unless such residence appeared necessary for the support of the resident's family, or he had no visible means of support whence he came, and could procure such support by his industry in this colony. And they further resolved, that all suspected persons removing into the colony, should be immediately returned to the place whence they came, unless their detention as delinquents should be proper; or unless they produced certificates from the committee of the precinct, from which they came, that they had signed the association recommended by Congress, and had not subsequently contravened it." The execution of this ordinance was consigned to the several county and township committees.

Some irregularities having taken place in the election of the existing Congress, this body resolved to dissolve itself, and to direct the election of another, on the fourth Monday of May, following, and thence annually; and repealing a former ordinance, they passed one, for that purpose, in which the right to vote was extended to all persons, who having signed the general association, were of full age, had resided immediately preceding the election, for the space of one year, in the colony, and were worth fifty pounds in personal estate.

XXVII. Governor Franklin convened the Legislature on the 16th of November, 1775, that they might have an opportunity of transacting such business as the public exigencies required. In his opening address he observed. "Having lately said so much to you, concerning the present unhappy situation of public affairs, and the destructive measures which have been adopted in the colonies under the pretence of necessity; and as I do not see, that the urging any more arguments on that head has a chance of producing any good effect, I shall not endanger the harmony of the present session by a further discussion of the subject." He proceeded, however, to inform them from his instructions, "That his Majesty laments to find his subjects in America, so lost to their own true interests, as neither to accept the resolution of the House of Commons of the 20th of February, nor make it the basis of a negotiation, when, in all probability, it would have led to some plan of accommodation, and that, as they have preferred engaging in a rebellion, which menaces to overthrow the constitution, it becomes his Majesty's duty, and is his firm resolution, that the most vigorous efforts should be made, both by sea and land to reduce his rebellious subjects to obedience. But it is hoped, that unfavourable as the prospects are at present, the time will come, when men of sense, and friends to peace and good order will see the fatal consequences of the delusions which have led to the measures the people of America are now pursuing, and that we may yet see the public tranquillity re-esta-

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blished on the ground of the terms held out by his Majesty and the Parliament."

"Although," he continued, "the King's officers in this province, have not, as yet, (except in one or two instances,) met with any insults or improper treatment from any of the inhabitants; yet such has been the general infatuation and disorder of the times, that had I followed the judgment and advice of some of my best friends, I should ere this, have sought, (as others of the King's governors have done,) an asylum on board of one of his Majesty's ships. But, as I am conscious that I have the true interest and welfare of the people at heart, (though I am so unhappy as to differ widely in opinion with their representatives with respect to the best means of serving them, in the present crisis,) I shall continue my confidence in that affection and regard which I have on so many occasions experienced from all ranks during my residence in this colony."

"I have, indeed, the stronger inducement to run this risk and to use my influence with the other crown officers to do the same, because our retreat would necessarily be attributed to either the effect, or well grounded apprehension of violence, and of course subject the colony to be more immediately considered as in actual rebellion, and be productive of mischiefs, which it is my earnest inclination and determination to prevent, as far as may be in my power. Let me, therefore, gentlemen, entreat you to exert your influence likewise with the people, that they may not by any action of theirs, give cause for bringing such calamities on the province. No advantage can possibly result from the seizing, confinement, or ill-treatment of officers, adequate to the certain damage such acts of violence must occasion the province to suffer."

"However, gentlemen, if you should be of a different opinion, and will not, or cannot, answer for our safety, all I ask is, that you would tell me so in such plain and open language, as cannot be misunderstood. For as sentiments of independency are, by some men of present consequence, openly avowed, and essays are already appearing in the public papers, to ridicule the people's fear of that horrid measure, and remove their aversion to republican government, it is high time, that every man should know, what he has to expect. If, as I hope, you have an abhorrence of such a design, you will do your country an essential service, by declaring it in so full and explicit terms, as may discourage the attempt. You may always rely on finding me ready to co-operate with you in every proper expedient for promoting peace, order, and good government; and I shall deem it a particular happiness to have an opportunity of being instrumental in saving this province from the present impending danger."

XXVIII. The prominent objects of this address, seem to have been to obtain from the Assembly, an assurance of personal safety, and a disavowal of all intention to proclaim independence. And in these, the governor was successful. For the House replied, "your excellency's safety, or that of any of the officers of government, we apprehend to be in no danger. We place our own safety in that protection which the laws of our country and the executive powers of government afford to all the King's subjects. It is the only asylum which we have to fly to, and we make no doubt that it will be, as it hitherto hath been, found fully equal to the purpose, both of securing your excellency and others. And we hope to find, that the officers of government will conduct themselves so prudently, as not to invite any ill usage; and that they will not make any supposed 'infatuation or disorder' of the times, a pretence to leave the province, and thereby endeavour to subject the inhabitants to any calamities."

"We know of no sentiments of independency, that are, by men of any con-

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sequence, openly avowed; nor do we approve of any essays tending to encourage such a measure. We have already expressed our *detestation* of such opinions, and we have so frequently and fully declared our sentiments on this subject, and particularly, in our petition to the King, at the last session of the Assembly, that we should have thought ourselves, as at present we really deserve to be, exempt from all suspicions of this nature."

The dread of independence seems to have seized, at this time, others than the governor. Several petitions were presented from the freeholders of Burlington county, praying the House to enter into such resolves as might discourage an independency on Great Britain. The petitioners were summoned before the House, and stated, that they had been induced to address it, "from reports that some affected independency." Whereupon, it was resolved, that reports of independency, in the apprehension of the House, are groundless:—That it be recommended to the delegates of the colony, to use their utmost endeavours for obtaining a redress of grievances, and for restoring the union between the colonies and Great Britain, upon constitutional principles; and that, the said delegates be directed not to give their assent, but utterly to reject any propositions, if such should be made, that may separate this colony from the mother country, or change the form of government thereof. The spirit of these resolutions differed widely from that which animated the provincial Congress, which, in the succeeding February, instructed the delegates to agree to all measures which the continental Congress might deem necessary.

XXIX. At this session the governor communicated to the Legislature, the royal approbation of an act, for issuing on loan, bills of credit to the amount of one hundred thousand pounds. For more than twelve years this had been a desirable object with the Assembly, who, as we have, elsewhere, observed, frequently passed bills for this purpose, which had hitherto been rejected by the crown; but as if every concession to the wishes of the people, was a grant of property for which some consideration was due, Lord Dartmouth, in remitting the approval, informed the governor, "At the same time I am commanded by the King, to say to you, that it would have been more agreeable to his Majesty, if the Assembly, instead of a general appropriation of the interest of the loan to the support of government in such manner as shall be directed by future acts, had thought fit to make a settlement, during the existence of that loan, upon the civil officers of government, of salaries more suitable to their respective offices than they now receive; and to appropriate a specific proportion of the said interest, to building houses for the residence of the governor and the meeting of the Legislature, of which you say there is a shameful want. Such an appropriation is no more than what they owe to the dignity of their own government, and his Majesty's just expectations; and, therefore, it is his Majesty's pleasure, that you do require the Assembly, in his Majesty's name, to make such provision accordingly, trusting that they will not make such an ill return to his Majesty's grace and favour, in the confirmation of this law, as not to comply with so just and reasonable a requisition." Thus, a measure was conceded by all parties, having power over it, to be just and necessary, and yet, an individual, who, in all matters relating to the public weal, should have been deemed but an individual, inflated by the worship of crowds, dared to talk of *grace and favour* in the performance of a simple and imperious duty. But the age is passing away, when men will make themselves golden calves for worship, and when a feeble mortal shall

> "Assume the God,
> Affect to nod,
> And seem to shake the spheres."

But the name of the King was no longer a spell sufficiently potent to open

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the purses of the people, for a prescribed series of years, in favour of royal officers. The Assembly declared, "that though they entertained the most grateful sense of the attention shown to the wishes of the colony, in the allowance of the loan act, and of his Majesty's gracious inclinations to give "every indulgence consistent with the true principles of commerce and the constitution," and are sincerely disposed to grant his Majesty's requisitions; yet, at this time, the House cannot consider it prudent, to go into any increase of the salaries of the officers of government, nor do they apprehend that it will be beneficial for his government over us, to settle them longer than the usual time; or expedient to erect buildings at present, better to accommodate the branches of the Legislature."

On December 6th, 1775, the House was prorogued by the governor until the third day of January, 1776, but it never re-assembled; and thus terminated the provincial Legislature of New Jersey.

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CHAPTER XII.

Comprising Civil Events of the year 1776.—I. State of the Public Opinion at the commencement of the year 1776—Gradual growth of the desire of Independence.—II. Resolution of Congress for the establishment of Independent Colonial Governments.—III. Provincial Congress re-assembles—Proceeds to the Formation of a Colonial Constitution.—IV. Review of the Constitution.—V. Oath of Abjuration and Allegiance established.—VI. Tories—their motives.—VII. Law relative to Treason.—VIII. Imprisonment and Relegation of Governor Franklin.—IX. Measures adopted against the Disaffected.—X. Adoption of the Declaration of Independence.

I. For more than a year the whole country had been, not, only, in open rebellion against the King, but its inhabitants had actually made war upon their fellow subjects, who, unconscious of oppression, had preserved their loyalty. Yet, during this period, the governments of the United Colonies, respectively, were administered in the King's name, and the people, every where, professed affection for his person, and attachment to the parent state. In the first half of the year 1755, amongst the great mass of the people and many of their leaders, these sentiments were real. But the more daring and ambitious spirits had, not only foreseen that the continuance of political connexion was not much longer possible, but had, successfully, sought to inspire the people with the desire of independence. And, probably, there was not a profoundly reflecting man in revolted America, who did not, in the depths of his heart, believe, that the severance of the ties between the parent and daughters was, at no very distant period, inevitable; though many, from various causes, such as timidity, selfish policy, and influence of family relations, were disposed to postpone the event.*

But this inconsistent state of things could not continue, without the most odious and useless hypocrisy, nor without the greatest injury to the cause of the colonists. Whilst the expectation of a reunion was suffered to delude the minds of men, a reluctance to pursue those energetic measures which the crisis demanded, would paralyze the best efforts of the patriots who had assumed the direction of affairs. In effecting a change and demonstration of public opinion, perhaps, no single agent was more powerful, than a pamphlet styled Common Sense, written by Thomas Paine; which, in a clear, perspicuous, and popular style, boldly pronounced a continued connexion with England unsafe, as well as impracticable; and successfully ridiculed her

* In 1768 the following language was holden in the *American Whig*, a periodical paper, published in New York, edited by Mr. William Livingston, afterwards, governor of New Jersey; and the article is said to have been written by him.—*Sedgwick's Life of Livingston*, p. 145. "The day dawns in which the foundation of this mighty empire is to be laid, by the establishment of *a regular American Constitution*. All that has hitherto been done, seems to be little besides the collection of materials for the construction of this glorious fabric. 'Tis time to put them together. The transfer of the European part of the great family is so swift, and our growth so vast, that before seven years roll over our heads, the first stone must be laid. Peace or war, famine or plenty, poverty or affluence, in a word, no circumstance, whether prosperous or adverse, can happen to our parent, nay, no conduct of hers, whether wise or imprudent; no possible temper on her part, will put a stop to this building * * * What an era is this to America! and how loud the call to vigilance and activity! As we conduct, so will it fare with us and our children." Notwithstanding this prophecy and the spirit which prompted it, and which filled the bosom of every leading man in every colony, Mr. Livingston was of those who believed, that the time for its fulfilment had not arrived, and that the declaration of independence, when made, was premature.

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constitution, which had hitherto been deemed the masterpiece of political workmanship. This pamphlet was universally read, and among those who were zealous in the war, obtained, every where, friends to the measure of independence. The belief became general, that a cordial reconciliation with Great Britain was impossible; that, mutual confidence could never be restored; that, reciprocal jealousy, suspicion, and hate, would take place of that affection, indispensably necessary to a beneficial connexion; that, the commercial dependence of America upon Britain, was injurious to the former, which must derive incalculable benefit from full liberty to manufacture her raw material, and to export her products to the markets of the world; that further dependence upon a nation or sovereign, distant three thousand miles, ignorant and regardless of their interests, was intolerable in the present rapidly increasing strength and power of the colonies; that the hazard in prolonging the contest was as great as in the declaration of independence; and that, since the risk of every thing was unavoidable, the greatest good attainable should be made, in common justice and prudence, the reward of success. It was urged, also, with great force, that foreign aid could be more certainly obtained from the rivals of Great Britain, if they felt assured that such aid would tend to the permanent dismemberment of her empire. The bias given by all these forces was confirmed among the people, on finding, that, they were declared to be in a state of rebellion; that foreign mercenaries were employed to forge their chains; that the tomahawk and scalping knife were engaged in the British service; and that their slaves were to be seduced from their masters and armed against them.

II. The measures of Congress during this remarkable contest, took their complexion from the temper of the people. Their proceedings against those disaffected to their cause became more vigorous; their language relative to the British government, less that of subordinate states—general letters of marque and reprisal were granted, and the ports were opened to all nations not subject to the British crown. At length, the great and important step of independence was in effect, though not in form, taken. On the 15th May, 1776, Congress declared, that his Britannic Majesty, with the lords and commons, had, by act of Parliament, excluded the united colonies from the protection of the crown; that, not only had their humble petition for redress and reconciliation been received with disdain, but the whole force of the kingdom, aided by foreign mercenaries, was about to be exerted for their destruction; that, therefore, it was irreconcilable with reason and good conscience for the colonists to take the oaths for supporting any government under the crown of Great Britain; and it was necessary that the exercise of every kind of authority under the crown should be suppressed, and that all the powers of government should be exercised by the people of the colonies for the preservation of internal peace, virtue, and good order, and the defence of their lives, liberties, and properties, against the hostile invasions and cruel depredations of their enemies. And they resolved, "That it be recommended to the respective Assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs has been hitherto established, to adopt such government as shall, in the opinions of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general."

This was virtually a declaration of independence. It was such almost in terms. The renunciation of allegiance to the British crown, and the establishment of governments by the authority of the people, were made, certainly, with no hope of reconciliation, nor desire of re-union with the parent state. When Massachusetts asked advice of Congress on the propriety of "taking

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up and exercising the powers of civil government,"* they recommended such regulations, only, as were indispensable, and those to be conformed as nearly as possible to the spirit of their charter, and to endure no longer than until a governor of his Majesty's appointment should consent to govern the colony according to that instrument. This was in perfect accord with the professions of the colonies of respect and attachment, and dependence on Great Britain. But the resolution now adopted spoke not of limitation to the powers to be assumed by the people, neither as to their nature nor duration.

In seeking redress from British taxation, and denying to Parliament the right for its unlimited exercise, great unanimity had prevailed. The old parties forgot their animosities, and united to oppose a common oppression. Whilst bound with the band of loyalty to the King, this union appeared indissoluble, but when armed resistance became necessary, still more, after it had commenced, strong repulsive qualities discovered themselves in the mass. The Quakers, opposed to every form of war, and strongly attached to the parent state, and to their church, and family connexions therein, shrunk with deep sensibility from the unnatural contest, and with horror from permanent separation and independence. The royal officers, their dependents and connexions, embracing a large proportion of the wealthy and distinguished of the province, beheld in a change of government the loss of official emolument and influence. The great body of the people, however, led by enterprising spirits, who were not only impatient of oppression, but who saw even in the vicissitudes of war the excitement they loved, and in independence successfully maintained, bright visions of glory and wealth, hailed with rapture the recommendation of Congress to take the first irrevocable step towards political emancipation.

For these parties names were borrowed from English politics. The devotees of American freedom and independence assumed the title of *whigs*, whilst they designated their opponents by that of *tories*.

III. The provincial Congress of New Jersey, elected on the fourth Monday in May, pursuant to the ordinance of the preceding Congress, convened at Burlington on the 10th of June, 1776, and was organized by choosing Samuel Tucker, Esq. president, and William Patterson, Esq. secretary. Before the 21st of that month, many petitions were received from East Jersey, for and against the formation of a new government; and on the day last mentioned, the convention resolved, that a government be formed for regulating the internal police of the colony, pursuant to the recommendation of the continental Congress, of the 15th of May, by a vote of 54, against three members. Messrs. Green, Cooper, Jonathan D. Sergeant, Lewis Ogden, Jonathan Elmer, Hughes, Covenhoven, Symmes, Condict, and Dick, were appointed a committee to prepare a constitution on the 24th of June, who reported a draught on the 26th, which, after a very short and imperfect consideration, was confirmed on the 2d day of July.

At this time Congress, impelled by the tide of public opinion, had gone far beyond their resolutions of the 15th of May; and had, actually, resolved on declaring the colonies independent states, thereby severing forever, all political ties which had connected them with Great Britain. Yet, the convention of New Jersey was not disposed to abandon all hopes of accommodation; providing in the last clause of their constitution, that if reconciliation between her and the colonies should take place, and the latter be again taken under the protection and government of the crown, the charter should be null and void. This door of retreat was kept open by the fears of the president of the convention, who, in a few months after, claimed the clemency of the

* June, 1775.

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enemy, with whom this clause gave him an interest.* Other clauses of the constitution show also, that it was made for the colony. The laws were to be enacted, and all commissions, writs, and indictments, were to be in the name of the *colony*. On the 18th of July, 1776, the provincial Congress assumed the title of the "convention of the *state* of New Jersey." And after the declaration of independence, in practice, the commissions and writs ran in the name of the *state*, the indictments concluded against the peace of the *state*, and an act of Assembly of 20th September, 1777, substituted the word, *state*, in all such cases for the word, colony.

The collision between the views of the continental Congress, and the New Jersey convention did not escape the reprobation of some of the members of the latter, who moved to defer the printing of the constitution for a few days, that the last clause might be considered by a full House. The effort, however, was negatived, when not more than half the members were present. It must not hence be inferred, that New Jersey was timid or backward in engaging in the contest. She had kept pace with the foremost, and her spirited conduct was the more meritorious, that it had less of the excitement of immediate interest, inasmuch, as she had yet felt no burthen, and was not irritated by the vexations of commercial restrictions. She had no ships, no foreign commerce. Her instructions to her delegates in Congress, chosen on the 21st of June, empowered them to join in declaring the united colonies independent of Great Britain. The convention consisted of sixty-five members, five from each of the thirteen counties, and on the 2d of July when the motion for reconsidering the last clause was made, there were present only twenty-five members; of whom, Messrs. Camp, Hardenburg, Joseph Holmes, Mott, Sparks, Cooper, Clark, Elmer, Harris, Bowen, Leaming, Shaver, Shinn, Tallman, Fennimore, Shreve, and Covenhoven, voted in the negative. And Messrs. Frelinghausen, Paterson, Mehelm, Josiah Holmes, Ellis, Sergeant, Symmes, and Dick, in the affirmative. Had the House been full on this vote, the adoption of the constitution would have, probably, been delayed, and the character of an independent state, at once fearlessly assumed.

IV. This instrument is styled in the proceedings of the convention, and within itself, a constitution. But it is not such, in the present political sense of this word, in America. A constitution of government may now be defined, a written expression of the will of the people of a state, establishing and limiting unalterably, except by themselves, the political powers therein created. Or it may be deemed a power of attorney from the people to their agents, specifying, distinctly, the powers assigned to each.† The constitution and the government are frequently confounded, and treated as synonymous; whereas, they are essentially different; the former being the creator and the law of the latter. The difference between them is not less, than that, between the whole power of the people, and that of their special delegates. Every country has a government, but few have a constitution. The government in England, is by king, lords, and commons, but that nation has no constitution; that is, no instrument restraining the political omnipotence of those agents. No act of theirs can be compared with a designation of their powers, and be thereby corrected or annulled. But, whatever they may do, however oppressive and arbitrary, has necessarily the authority of law. A constitution may create any form of government—may give any quantum of power, less than the whole; for if it give the whole, it destroys itself. And such is the defect,

* Votes of Assembly, 1776.

† It might be objected, that the convention which framed the constitution, exceeded their powers, or had, in fact, no power to touch the subject—that they mistook in supposing themselves *the people*, and that it is essential to the existence of a constitution, that the people should formally and expressly pass upon it. But acquiescence must be deemed assent.

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and such has been, partially, the fate, of the constitution of New Jersey. The only restriction it contains, upon the agents to which it gave being, is found in the twenty-third article, requiring each member of Council and Assembly, to declare, upon oath or affirmation, that he will "not assent to any law, vote or proceeding, which shall appear to him injurious to the public welfare; *nor that shall annul or repeal that part of the third section of the charter, which establishes, that, the elections of members of the legislative Council and Assembly, shall be annual; nor that part of the twenty-second section, respecting the trial by jury; nor that shall annul, repeal or alter the eighteenth and nineteenth sections;*" which relate to the freedom of religious worship. This specification of things, which the Legislature shall not alter, admits its power to change all others, and puts within its control, the whole form of the government, with the partition of its powers.

The powers of government are commonly divided into the legislative, executive and judicial branches; though the third is but a modification of the second, since the making and executing the laws, comprise the whole duty of every government. Most of the constitutions of the States of North America, define the manner in which these branches shall be constituted, the powers they shall, respectively, exercise, and protect each against the other. But, by the constitution of New Jersey, the executive, and judiciary powers, may be remodelled in any way. The office of governor may be vested in an individual for life, or made hereditary—the judges may be appointed for months, for years, or for life—their number be increased or diminished, and their compensation varied, and the courts continued or abolished, at the pleasure of the Assembly—in a word, all the ordinate branches are dependent on, and at the mercy of, the legislative. And, with the very inconsiderable restrictions already noticed, the whole power of the people, for all purposes, is in the hands of their representatives; who are, thus created universal and not special agents, and have no law but their own will.

We have seen with what extraordinary haste this instrument was formed. Less than two days were employed by the committee in framing, and less than six days by the convention, in considering and confirming, the government of the state. This would be deemed extraordinary and unprofitable haste, at the present day, when political science is more generally understood, the several powers more orderly classified, and models of tried constitutions abound. At that period, resort could be had to two models, only, of free government—those of England, and her colonies. In both, the powers of the state were divided between the king, or his representatives, and the representatives of the people. But most of the powers which had been exercised by the royal governors, were held by this convention to have been taken from the people, and were, by it, restored to their representatives; doubtless, in the conviction, that, they were thereby restored to the people. The government of Great Britain was deemed too exceptionable to copy from; and its hereditary executive and hereditary branch of the Legislature, were not congenial with the habits and wishes of the people.

By the constitution of New Jersey, the legislative power is vested in an assembly and council, annually elected by, and from, the people.

The council is composed of one representative from each county. This allotment seems based upon no political principle. It has regard, neither to extent of territory, nor amount of population; but would seem to be, wholly, arbitrary.

The *minimum* number of the Assembly, was fixed at thirty-nine. Three members were given to each county, with a like disregard of territorial extent and population. But the Legislature was empowered to diminish

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the number or proportion of the representatives in the Assembly for any county.

The qualification for a member of the Legislature is, that he should be for one whole year, before his election, an inhabitant and freeholder of the county in which he is chosen.—If for council, that he should be worth one thousand pounds.—If for the Assembly, five hundred pounds, in real or personal estate. Neither mature age, nor citizenship, nor oath of allegiance, are required from the law-giver of the land. But notwithstanding the constitution has thus defined the qualification of the representative, the Legislature, exercising the power which it unquestionably possesses, but which would not pertain to it, if the constitution were obligatory upon it, have declared, that no alien should hold office; and that every officer shall take a prescribed oath of allegiance. And it has, thus, by the requisition of qualifications not prescribed by the constitution, added to the instrument.

That the Legislature may be preserved as much as possible from all suspicion of corruption, no judge, sheriff, or other person possessed of any post of profit, under the government, other than justices of the peace, may sit in the Assembly. But, on taking his seat, his office is vacated. This restriction does not extend to the council, and was borrowed from the provincial laws.

The electors are required to be of full age, worth fifty pounds, clear estate, and to have resided within the county for twelve months previous to the election. This qualification also, has been found in practice too broad; admitting all inhabitants, bond and free, white or black, male or female, native or foreign, citizen or alien; and the Legislature has again exercised its power, over the constitution, by limiting, more narrowly, the qualification of electors; declaring that no person shall vote in any state or county election, unless he be a free white male citizen of the state.

The property qualification required in the electors and elected, is a striking, because the only aristocratic, feature in the constitution. It is copied from the law of the colony, and was introduced, probably, into the constitution, by proprietary influence, which still prevailed in both sections of the province. But the people having since condemned the restriction, the Legislature has removed it from the electors, by declaring, that, every person who shall, in other respects, be entitled to a vote, and who shall have paid a tax for the use of the county, or state, and whose name shall be enrolled on any duplicate list of the last state or county tax, shall be adjudged by the officers conducting the election, to be worth fifty pounds. In practice, the property qualification of the elected, is almost wholly disregarded. Under the royal government, a freehold estate was required in the voter. In the convention, an effort was made to give this franchise to all who paid taxes, and the qualification required by the constitution was probably a composition between the parties.

The Assembly has power, under the constitution, to choose its officers—to judge of the qualification and election of its members—to sit upon its own adjournments—prepare bills—and to empower the speaker to convene the members when necessary. Like powers are given to the council; except, that, it may not alter any money bill. In this restriction, we have a striking evidence of the haste, and confusion of ideas, under which the constitution was framed. In the British government, the right to grant money is claimed, exclusively, by the commons, because the other branches of the Legislature are presumed to have an interest, and to be subject to an influence, foreign to the mass of the people. The principle was adopted in the colonies, and the right of framing money bills reserved to the Assembly, for the same cause;—the governor and council being creations of the crown. But the reason

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ceasing, wholly, with the change of government, the rule should have ceased, also. The members of council, in their relation to the people, differ in nothing from the members of the Assembly. They are not like the senators of the United States, the representatives of territorial divisions; removed in a degree from the people by the mode of their creation, and less responsible by the length of the term of office; but are annually elected, by the same electors, at the same time, and in practice, from the same class, as the members from the lower House. By the letter of the constitution a distinction is made. More property is requisite to qualify them for office. But this distinction makes them safer guardians of the public purse, because it gives them a deeper interest in it.

The Assembly and council have power to make the great seal:—They are required to meet, separately, on the second Tuesday next after the day of election; and the consent of both Houses is necessary to every law.—Seven form a quorum of the council; and no law can pass, unless there be a majority of all the representatives of each body, personally present, and agreeing thereto.

The council and Assembly, in joint meeting, are empowered to elect the governor, annually, by a majority of votes, at their first meeting after each annual election; to elect, in the same manner, the judges of the supreme and inferior courts, justices of the peace, clerks of courts, the attorney general, the secretary of state, the treasurer, and all general and field officers of militia.

It is now a settled principle of political science, that, the legislative and executive powers of government ought not to be in the same hands. That government in which they are blended is a *tyranny* in proportion to the extent of the amalgamation; because, responsibility for the execution of the laws is, proportionately, destroyed. Where the whole of the legislative and executive powers are vested in the same person or persons, the government is despotic; and it may be the despotism of the one, or of the many. Every executive act may be a new volition of the legislative power, and the law may, nay, will be, changeable and uncertain; and ofttimes never proclaimed, never known, until its execution. In the classification of powers, that of appointing the expounders and the subordinate executors of the law, is properly assigned to the executive branch of the government, co-ordinate with, and independent of, the Legislature; but the difficulty of producing a prompt and adequate responsibility, of the executive to the people, has, in practice, occasioned various restrictions on the exercise of this power. When the Legislature appoints these officers, it assumes the functions of the executive. But experience would seem to teach us, that the danger of corrupt administration is equal, where the ministrative or judicial officer depends, for the tenure of his office, upon the chief executive, or upon the legislative Assembly. The corruption most common, and most to be dreaded, in popular governments, is subservience to party spirit. Thus, we daily see officers dependent upon the will of a single headed executive, a council of appointment, or a legislative assembly, changing their opinions, modelling their conduct, or losing their offices, with the mutations of party—following all its phases, or buried in the obscurity of forgetfulness. To preserve the Legislature, whose purity is indispensable to the public weal, from every temptation, to act under any other influence, than that of sound reason and discretion, it should have, neither the power to appoint, nor remove, any other, than such officers, as are necessary to the exercise of its functions. It is, wisely, objected, that the power of appointment should not be exercised by a body composed of several individuals; because responsibility for its deeds is diminished or destroyed, by commimution; and because consociated assemblies, every

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where, take a latitude in morals, from which unprotected, unsupported individuals, would shrink with dismay. If such power be vested in an individual, although he be not elevated above the temptation to abuse it, he is not only legally responsible for its improper exercise, but he stands constantly before the tribunal of public opinion, and may be instantly arraigned for malversation in this, as in every other department of his office; and when the continuance of the appointee in office, is independent of the will of the appointor, it would seem, that, the constitution, in this particular, possesses all practical guarantees for honest administration.

But the constitution of New Jersey vests in the legislative power, to an alarming degree, all the powers of government. Thus, the incumbents of chief executive offices, including the judiciary, are not only dependent upon the Legislature, for their commissions, but for the amount of their salaries, which is subject to enlargement, or diminution, at its pleasure. The placemen, therefore, moved by ambition or avarice, whether governor, judges, secretary, treasurer, clerks, or chief officers of the army, are the creatures of the Assembly, not of the people; receiving from it, life and daily sustenance, and following it, as the sunflower does the sun, whatever be its course. Officers actuated by such motives, are always attainable; and when the Legislature may be corruptly influenced, its power will be despotic in the direct or indirect exercise of all the functions of the government. If the constitution were, indeed, the supreme law of the land, unchangeable by the Legislature, it would present, in the prescribed tenure of office for some of the officers, a check upon legislative influence. Thus, judges of the Supreme Court, hold their offices for seven—judges of the inferior courts, justices of the peace, clerks of courts, the attorney-general, and secretary, for five years. But the Legislature may alter the constitution, in this, as in other particulars, and make the term of office in these cases annual, as in case of the governor and treasurer; or at will, as in the case of the principal militia officers.*

* The following is given, by Judge Griffiths, as the actual result, in the state, of this commingling of powers. We cannot of our own knowledge, vouch for the truth of the picture, but it has sufficient verisimilitude.

"One of the most threatening effects of the connexion of the legislative and executive in the *same* body, is its apparent tendency to corrupt the Legislature.

"*First.* By placing the power of filling the offices of government in the Legislature, and permitting the choice from their own body, a temptation of the most direct kind is offered to their virtue: offices will be erected for no other purpose, but to gratify the expectations or promote the private ends of popular and ambitious leaders in the Assembly.

"*Second.* But the most pernicious effect of this executive power in the Legislature, is seen in the intrigues and party purposes, which it promotes and cherishes in a body, that ought to be free from every local and every interested consideration.

"It is impracticable here to enter into a detail of facts, to prove, that the virtue of the Legislature has been, and will be, constantly assailed and overcome, by committing to it the nomination and appointment of the executive officers. It shows itself in the very formation of the Legislature. No sooner does an election for a legislative assembly and council approach, than the question is not, who are the wisest and most disinterested, and of most integrity; but who will best answer the views of *party*, of private ambition, or personal resentment. In every county, there will be constantly a succession of people aspiring to appointments, civil or military: some desire to be judges, some justices, some majors, and some colonels; some have interests depending in the courts of law, and some perhaps have resentments against existing officers, and would fain oust them from their seats: all these, and a thousand more passions, are set to work, parties are formed, and nominations to the Legislature will be directed and supported, upon principles altogether beside those, which should form the basis for a right election of legislative characters; the result must, of course, be unfavourable to the public good. But this is not all;—not only are elections rendered vicious, and the morals of the people corrupted in these struggles for personal advantages, but unhappily the candidates partake of the contamination They must promise

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By the constitution the governor has the supreme executive power; is captain-general of all the militia and other military force; is chancellor, and ordinary and surrogate-general; and as president of council, is judge of the court of appeals, in the last resort; presides in council, and has a casting vote in their proceedings. The council choose a vice-president, who acts as president, and governor, in the absence of the governor; and any three members of the council, are at all times a privy council, to advise the governor, in all cases where he may find it necessary to consult them.

Whilst the proper powers of the executive are given to the Legislature, the governor is oppressed with various heterogeneous duties, which have been conferred upon him; not because he is the proper organ for their exercise, but because the members of the convention were habituated to behold them lodged with the colonial governors; who engrossed them, that they might increase their emoluments. As chancellor, surrogate, and president of the court of appeals, the governor is a high judicial officer, and as such, gives decisions, which as an executive officer, he may be called upon to enforce. As the president of council, he has a potential voice and influence in legislation, and, thus, exercises, in a limited degree, to be sure, all the powers of government. Thus, in another of its branches, the government assumes the essence of tyranny. This combination of powers, might prove very dangerous, were not the governor so ephemeral in his existence, that he has not space, in his official life, to mature and effectuate a plot; and is wholly dependent upon the Legislature for his compensation, which is, not uncommonly, a principal mean of his subsistence. But, he is not deterred from making his powers subservient to the dominant party of the Legislature,

allegiance to their party—you shall be a judge, and you a justice—you a major, and you a colonel—you a clerk, and you a commissioner, I will solicit your cause in the court of errors, and will vote for your friend to fill a seat in the judiciary. Thus the executive authorities confided to an annual legislature, lay the foundation of corruption at the threshold of its election; instead of being elected with a national view, and for the purpose of forming general laws, for the more equal and salutary government of the people, the persons go there to represent the interests and gratify the desires of a few partisans in their different districts, upon the performance of which will depend their reappointment at the ensuing election!

"When the Legislature is formed, and a joint meeting agreed upon, then begins a scene of intrigue, of canvassing and finesse, which baffles all description, and is too notorious to require proof, and too disgusting for exhibition. The members of a county, in which an office is to be disposed of, are beset by friends and partisans of the candidates; their hopes and fears are excited, by all the arts which can be suggested to influence their choice; from these, the attack extends itself, till it reaches every member of the Legislature; and so strong and so general does the contest become, by the different representations, having each particular objects to attain, that one grand scene of canvass and barter ensues; a vote for one, is made the condition of voting for another, without regard to qualifications; even laws which are to affect the public interest, are made the price of these interested concessions; and not unfrequently almost the whole sitting of the Legislature is spent in adjusting the pretensions, and marshalling the strength of the respective candidates for office. To such a pitch has this grown, that even the members of the Legislature complain of it, as an intolerable evil. These contests again, lay the foundation for new parties and new resentments at the next election. To counteract the opposition which may be stirred up, all the appointments will be made, with a view to strengthen the interest of the sitting members. New commissions, civil and military, judges and justices, general officers, general staff and field officers, will be made with a reference to the state of parties in the county, instead of being dictated by quite a contrary spirit.

"The result of all this, is seen and felt in every quarter. From hence proceed the jars and divisions which destroy the pleasures of social life in every neighbourhood and village; and from hence arises the instability of laws, the multiplication of magistrates, the weakness and divisions of the courts of justice, the heats and ill-directed zeal at elections, and that general languor and dereliction of principle in every department, which menaces the total depravation of the body politic."—*Examen*, pp. 130—132.

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and thus to submit himself to a corrupt influence. There is another point of view in which this commingling of powers is prejudicial to the state. It demands qualities for their execution, which are so rarely found in the same individual, as to seem incompatible. The qualifications for a commander-in-chief, are not those of the legislator, much less those of the judge.

It is not the fault of the constitution of New Jersey, alone, to vest in the chief executive officer, a portion of the legislative power. It is done by the constitution of the United States, and by many of the states, with an expediency, which daily experience renders less than doubtful. The feature is borrowed from the English government, where its chief use is to preserve the prerogative of the King, against the encroachments of the people.

The inferior executive officers, beside those abovenamed, who are created by the constitution, are a sheriff, and one or more coroners, elected, annually, from each county; who are eligible three years, successively, but after which, not again for three years;—and a constable, and commissioners of appeal, in case of taxation, also, annually elected in each township.

But in no particular, is the imperfection of this constitution more visible, than in its provisions relative to the judiciary. Neither the courts nor the number of judges which shall respectively constitute them, are determined by it. The power is given to appoint the judges of the Supreme Court, and of the inferior courts of Common Pleas, of the several counties. These courts, and the chancery, were established by an ordinance of the King, recognised and confirmed by the acts of Assembly, and are continued under the new constitution, by articles twelve and twenty-two; declaring, that all the laws contained in Allinson's edition, and the common law of England, and so much of the statute law, as had been theretofore practised, shall continue in full force, until altered by the Legislature; such parts only excepted, as were incompatible with the charter. If any difference of opinion may exist, relative to the power of the Legislature over the constitution, there can be none, as to their power over the laws;—consequently, they may alter or abolish, all or either of the courts, at their pleasure; and therefore the constitution has made no provision for the permanence of the judiciary. The fixed term of office of the judges, supposing the constitution unalterable by the Legislature, becomes no protection to their independence, since the laws upon which the courts depend, may be repealed, and the commissions of the judges fall with them. Of the manner in which the courts are at present constituted, there are many seemingly well founded complaints, which it is no part of our province to examine or to judge. But we may remark, with regard to the Court of Chancery, that we cannot conceive, of a worse organization, than that, by which the highest law officer of the state, is not only subject to annual change, but is actually and repeatedly changed from year to year. The judge has no inducement to qualify himself for the duties of his place, since his labour will not be rewarded; and the business of the court must be ignorantly, slovenly and sluggishly executed, inasmuch, as more than one chancellor may frequently intervene between the hearings of the same cause.*

* For the manner in which the system of the inferior courts works, we refer the reader to the following remarks of Judge Griffiths—observing that the judges of these courts are without limit as to number, have not a professional education, and receive no compensation, save some inconsiderable bench fees.

"Let any man go into a county court in New Jersey, and one hour's observation will satisfy him, that it is neither a place of common sense, nor of common justice. He will see disputes maintained with great heat and prolixity, on questions which none would hear debated, but those who feel difficulty in every thing, from their total ignorance of every thing, of a legal complexion; he will see the most preposterous decisions, after those preposterous pleadings; he will see cause after cause

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The judges and other officers, chosen by the Assembly, are commissioned by the governor, and may be reappointed at the end of their several terms, and dismissed when adjudged guilty of misbehaviour, by the council, on impeachment of the Assembly.

By article ninth, the governor and council, (seven whereof shall be a quorum,) form the Court of Appeals, in the last resort, in all cases at law, as theretofore; and have power to grant pardons to criminals, after condemnation. By statute, this court has also been made the Court of Appeals in equity cases.

This feature is also copied from the colonial government, in which, it was analogous, somewhat, to the judicial power of the House of Lords; with this important and extraordinary difference, that in England, the executive, or the King, is not a member of the court; and the court there, is always aided by the great law officers of the state, and guided by their collected wisdom and learning. Whilst in New Jersey, the executive forms a part of the court, and the court consisting of members annually chosen, and perhaps annually changed, whose education and pursuits do not qualify them to determine legal questions, sits to revise—and perhaps, to reverse decisions given under the best lights of the land.*

The 18th and 19th articles of the constitution, which are exempted from the power of the Legislature, provide, that no person shall be deprived of the privilege of worshipping Almighty God, in a manner agreeable to the dictates of his own conscience, nor under any pretence, compelled to attend any place of worship contrary to his own faith and judgment, nor be obliged to pay tithes, taxes, or any other rates, for the purpose of building or repairing any church, or place of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately or voluntarily engaged himself to perform.

"That there shall be no establishment of any one religious sect, in preference to another; and that no *protestant* inhabitant shall be denied the enjoyment of any civil right, merely on account of his religious principles; but, that all persons professing a belief in *the faith of any protestant sect*, who shall demean themselves peaceably under the government, shall be capable of being elected into any office of profit or trust, or being a member of either

torn by piecemeal from their foundations; the judges perplexed or dismayed with every trifling occurrence, upon which a legal doubt arises; he will see the judges divided in opinion, looking round for help; and finally, he will see the business of the session abandoned where it began, and put off upon frivolous pretexts to a more convenient season; and when he has seen this at one court, at one term, he will have a very accurate sample of the dignity and ability, which pervades the judiciary system of his enlightened country. Those who are best acquainted with the subject of this description, will allow that it is not exaggerated; they know that there is little dignity, and less ability in most of the courts, to which their professional pursuits call them; they know, it is sometimes a subject of ridicule, and oftener of serious regret, that the judges, instead of knowing the laws better than those who advocate them, are generally ignorant of first principles, and instead of *directing* business with that manly confidence, which is always the attendant of knowledge, they are *led* away by their deference to professional eminence, perhaps by the fallacious sophistry of a concluding harangue. Far be it from me to apply this indiscriminately; there are exceptions; and still farther it is from me, to place this general defection in the judiciary, to a depravity of personal character; quite the contrary. It would be difficult to find more private integrity in any equal number of men; but no qualities of the heart, can compensate for the want of knowledge in any science; and in that of the law, however paradoxical it may seem, mere goodness of heart is a dangerous propensity."—*Examenes*, pp. 107, 108.

* Members of the bar are frequently elected to council. To them, of course, the foregoing remark is not applicable. An increase of business in this court, would probably render it as necessary to have the councillors all lawyers, as it is that the governor should be one.

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branch of the Legislature, and shall fully and freely enjoy every privilege and immunity enjoyed by others, their fellow subjects."

This last clause, much less liberal than were the Concessions of the proprietaries, stands a monument of British intolerance; for it is modelled on the laws of England, excluding Catholics from office; yet whilst in Great Britain this intolerance has ceased, it is continued here, and the Catholic christian, together with all who do not profess a belief in the faith of a Protestant sect, are excluded from full participation in civil rights. This restriction is far behind the age, and calls loudly for removal; although, to the honour of the state, in no instance, has it been enforced. Yet, it is a foul blot on the polity of the country.

By the 16th article of the constitution, all criminals were admitted to the same privileges of witness and counsel, as the prosecutor; and by the 18th, the estates of persons destroying their own lives, and chattels occasioning, accidentally, the death of any one, are declared not to be subject to forfeiture.

We have thus given all the provisions of the existing constitution, with a running commentary upon its leading features, in which the deficiency of the instrument, as a constitution, has been chiefly considered. Compared with what such an instrument should be, it has many faults of expediency, which have been frequently noticed by eminent citizens of the state; some of which have been, and others may be, amended, by the Legislature. But as a constitution, the instrument is radically defective; first, that it is not obligatory upon the Legislature, but may be, as it has been, altered, by the power which makes the ordinary law; second, that it does not separate and define the powers of the several departments of the government; and third, that it has made every department subject to, and dependent upon, the Legislature. Consequently a despotic power lies in that body, which may be abused to party purposes, and to the subversion of political liberty. That this power has been so abused, is not less certain, than that every cause in action must produce its appropriate effect. That such abuses have not been intolerable, may be ascribed first, to the want of opportunity of working extensive evil; for no great convulsion of the people has yet arisen, in which individuals could advance their interests, by the utter subversion of established principles, and drawing to themselves as members of the Assembly, the actual exercise of all political power; although a continued assumption of such power might, perhaps, be traced in the Legislature, from the establishment of the state government: 2dly, To the restraining power of public opinion, enlightened by that political science, which sends more or less of its rays into every part of our country, and to which the annual election of the members of the Legislature makes them amenable. But, that the state is subject to all the evils which may result from an unlimited and indefinite government, is as unquestionable, as that the man who dwells beneath the impending avalanche, or on the slumbering volcano, is exposed to destruction from the fall of the one, or irruption of the other. That he has not already been overwhelmed, can be no protection against the next convulsion of nature.

The transition from a provincial to an independent state, was made with as little pain and confusion, at the moment, as a modification might now be effected in an American state, where the sense of a majority of the people, forms the unresisted law. A simple resolution of the convention, "that the judges, justices of the peace, sheriffs, coroners, and other inferior officers of the late government, proceed in the execution of the several offices under the authority of the people, until the intended Legislature, and the several officers of the new government should be settled and perfected, having respect to the present constitution, and the orders of the provincial Congresses; and that all suits of law should be continued, altering only the style and form thereof,"

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was sufficient to continue without much embarrassment, the whole machinery of society.

V. After the adoption of the constitution, the provincial Congress, proceeded by an ordinance, to carry it into effect. The second section of the charter appointed the second Tuesday in August, for the election of the members of the Legislature, sheriffs, and coroners. The ordinance ascertained the places and manner of election, and created a new qualification for the members of council and Assembly, and for the electors, which may be considered the second violation of the constitution just established; requiring, from the voter and member, respectively, an oath or affirmation, that he did not hold himself bound to bear allegiance to George the Third, King of Great Britain, and would not by any means, directly or indirectly, oppose the measures adopted by the colony, or the continental Congress, against the tyranny attempted to be established over the colonies by the Court of Great Britain; but would bear true allegiance to the government established in the colony, under the authority of the people. The council and Assembly, when elected, were directed to meet, the first time, at Princeton.

VI. The period of the revolution has been termed the "*time for trying men's souls*;" and this was emphatically true, at the moment of declaring independence. The unanimity with which resistance against the measures of the parent state had been continued, was then broken. The timid, the interested, and the conscientious, were alike unwilling to sever irreparably, the ties which connected them with her. The professions of loyalty and dependence, were sincerely made by a large majority of the provincialists, and they were adhered to by many, with religious tenacity, who truly believed that political happiness and salvation existed, only, in the British empire. The timid, and especially the timid rich, shrunk from the disgrace and pains of treason—the placeman, and the expectant of place, who looked upon the rising sun, struggling amid clouds as a portentous, but evanescent, meteor, could not turn from the rays of meridian splendour, in which they had long lived or hoped to bask; whilst others united with their fellow subjects of the European isles, by the tenderest charities of blood and affinity, of tastes and business, could not summon resolution to break connexions, which were the great pleasures of their existence. The wonder, therefore, is not that a great many valuable men preserved their loyalty and became distinguished as tories; but, that the declaration of independence had not more equally divided the country. But there was, also, a class of men of desperate character, opposed to American independence, who, confident in the strength and success of Great Britain, availed themselves of her protection to prey upon the country, and under pretence of loyalty and readiness to punish treason, to gratify their own malignant passions, their foul revenge, and cupidity. Bands of these marauders soon haunted the forests and shores of the eastern part of the state, particularly of Monmouth, and the mountains of Morris and Sussex counties; breaking out from time to time, and doing far greater evil, than the regular inimical soldiery. New York, one of the largest, richest, and most powerful of the royal colonies, was the most divided on the question of independence. The tories, there protected by the English forces, were numerous, wealthy, and active; they had many friends, relatives, and dependents in East Jersey, over whom they exercised a dangerous influence. During the whole interval from the commencement of hostilities until the treaty of peace, New Jersey was a frontier state, and exposed to all the miseries of border warfare; at one time, the enemy lay upon her northern and southern boundaries, and her losses in proportion to her wealth and population, were probably greater than those of any other state, save South Carolina.

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Upon the arrival of the British army in 1776, the disaffected in New York and New Jersey, were embodied under officers selected from among themselves. Mr. Oliver Delancey, an influential officer of the late government, in New York, was appointed brigadier-general, and empowered to raise three battalions, to consist of fifteen hundred men. But, notwithstanding great exertions on his part, his command did not exceed six hundred. Mr. Courtlandt Skinner, late attorney-general, and speaker of the Assembly of New Jersey, his brother, the late treasurer, who had recently been received in the council, and every member of that family, adhered to the enemy. Courtlandt was, also, appointed a brigadier, and directed to raise two thousand five hundred men, but he could rarely bring into the field more than five hundred.

VII. With the assumption of independent sovereignty, came the duty of supporting it, by the denunciation of the pains and penalties of treason, against such as should attempt its overthrow. An ordinance of the 18th of July, 1776, therefore, prescribed, that, all persons abiding within the state, deriving protection from its laws, owed allegiance to its government, and were members of its community; and, that, sojourners receiving like protection, owed like allegiance whilst within its limits; that all persons, so owing allegiance, who should levy war against, and within, the state, or be adherent to the King of Great Britain, or others, the enemies of the state within the same, or to the enemies of the United States of North America, giving them aid or comfort, should be adjudged guilty of high treason, and suffer the pains thereof (death) as by the ancient laws. This act transmitted the cases of disaffected residents, *en masse*, to the ordinary tribunals.

VIII. To those opposed to the rising order of things, the loyalty of Governor Franklin afforded countenance. The torrent of public opinion was too strong, for him to attempt to turn its course, and he was compelled to stand by, an almost idle spectator, whilst it swept away all the powers and services which, lately, pertained to him; but which he was not disposed to abandon without an effort for their maintenance. Before the resolution to establish a new government had been formally adopted, by this state, the whole political power had passed, by the voice of the people, to their delegates in Convention; which became the government *de facto;* and the powers flowing from royal authority, were suspended by the exercise of those derived from the people. This, however, was a conclusion which the governor was very unwilling to attain, and he resolved to determine whether it were indeed true, by attempting to collect and set in action the component parts of his Majesty's government. Could this be effected, a powerful effort might yet be made in the royal cause; and whatever might be the final result, disunion and distraction in the proceedings of the state would be inevitable. Of the thirty members of Assembly, seven, only, were members of the Convention; and the governor may, probably, have supposed, as some of the former body were distinguished royalists, that he might array one popular Assembly against another. He, therefore, by proclamation of the thirtieth of May, summoned the House, in the name of the King, to meet on the twentieth of June. The provincial Congress, instantly, foresaw the mischief of this measure, and prepared to defeat it. On the fourth of the last month, they resolved, by a vote of thirty-eight to eleven, that the proclamation of William Franklin, late governor, ought not to be obeyed; and on the sixteenth, by a vote of thirty-five to ten, that, by such proclamation, he had acted in direct contempt, and violation, of the resolve of the continental Congress of the fifteenth of May; had discovered himself to be an enemy to the liberties of the country; and that, measures should be immediately taken to secure his person:—And by a vote of forty-seven to three, they further re-

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solved, that all payments of money, on account of salary, or otherwise, to him, as governor, should thenceforth cease; and that the treasurers of the *province* should account for the moneys, in their hands, to the *provincial* Congress, or to the future Legislature of the colony.

Immediately upon the adoption of these resolutions, the Congress issued the following order to Colonel Nathaniel Heard, of the first battalion of the Middlesex county militia. "The provincial Congress of New Jersey, reposing great confidence in your zeal and prudence, have thought fit to entrust to your care, the execution of the enclosed resolves. It is the desire of Congress, that this necessary business, be conducted with all the delicacy and tenderness which its nature can possibly admit. For this end you will find, among the papers, the form of a written parole, in which there is left a blank space for you to fill up, at the choice of Mr. Franklin, with the name of Princeton, Bordentown, or his own farm at Rancocus. When he shall have signed the parole, the Congress will rely upon his honour, for the faithful performance of his engagements; but should he refuse to sign it, you are desired to put him under strong guard, and keep him in close custody, until further orders. Whatever expense may be necessary will be cheerfully defrayed by the Congress. We refer to your discretion, what means to use for that purpose, and you have full power and authority to take to your aid, whatever force you may require."

On the seventeenth, Colonel Heard and Major Deare, waited on the governor at Amboy, and desired him to comply with the order of Congress, and sign the parole. Upon his refusal, they surrounded his house with a guard of sixty men, and despatched an express to report their proceedings to, and ask further instructions from, the Congress; who commanded, that Mr. Franklin should be immediately brought to Burlington.

In the mean time, Mr. Tucker addressed a letter to Mr. Hancock, president of the continental Congress, in the following terms: "Sir, our colony has, of late, been alarmed with sundry attempts of disaffected persons, to create disturbances. The proclamation of Mr. Franklin, our late governor, for calling together the Assembly, is one of those we have thought deserving the most serious attention. Enclosed, we have sent a copy of certain resolves which we have thought necessary to pass on the occasion, together with a copy of our instructions to Colonel Heard. We, this minute, received, by express from Colonel Heard, a letter, of which the enclosed is a copy. We have ordered down to this place, Mr. Franklin, under guard; and now beg leave to submit, to the consideration of the Congress, whether it would not be for the general good of the United Colonies, that Mr. Franklin should be removed to some other colony. Congress will easily conceive the reasons of this application, as Mr. Franklin, we presume, would be capable of doing less mischief in Connecticut or Pennsylvania, than in New Jersey. Whatever advice Congress may think proper to give us, we shall be glad to receive; and would further intimate, that the countenance and approbation of the continental Congress, would satisfy some persons who might, otherwise, be disposed to blame us."

President Hancock replied, transmitting the following resolution: "In Congress, June 19th, 1776—Resolved, that it be recommended to the Convention of New Jersey, to proceed on the examination of Mr. Franklin; and if, upon such examination, they should be of opinion, that he should be confined, to report such opinion to this Congress, and then this Congress will direct the place of his confinement; they concurring in sentiment with the Convention of New Jersey, that it would be improper to confine him in that colony."

On the twenty-first of June, Mr. Franklin was, accordingly, called before

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the provincial council, to be examined, touching such parts of his conduct, as were deemed inimical to the liberties of America. He refused to answer all questions put to him; denying the authority of this body, which he alleged had usurped the King's government in the province. Whereupon, the Congress resolved, that as by this and his former conduct, in many instances, he appeared to be a virulent enemy to this country, and a person who might prove dangerous, he should be confined in such place and manner, as the honourable continental Congress should direct; and that Lieutenant-colonel Bowes Read, should keep him under safe guard, until further order of the continental Congress. That order was received on the twenty-fifth of June, directing that the deposed governor should be sent, under guard, to Governor Trumbull, of Connecticut, who was desired to take his parole, and in case he refused to give it, to treat him agreeably to the resolutions of Congress, respecting prisoners. This request was immediately complied with. On his release, he sailed to England, where he received a pension for his losses.*

IX. Towards the disaffected the conduct of the patriots was, at first, truly lenient. Those taken in arms were treated as prisoners of war; and no other proceeding was had against those not in arms, from whom danger was apprehended, than such as would prevent them from committing the mischief they meditated. Congress had great confidence in the power of reason and gentle treatment, on the presumption, that the disaffected were, generally, the misinformed. Under this impression, resolutions were adopted, second January, 1776, recommending to the several township and county committees, and other friends of American liberty, to explain to the honest and misguided, the nature of the controversy, and the many, but fruitless efforts which had been made to effect an accommodation; but, at the same time, to proceed with vigour, against active partizans from whom danger might be apprehended, disarming them, keeping them in safe custody, or binding them with sufficient sureties to their good behaviour. Strong measures were not, however, immediately taken against them, in those parts of the country where they were the most powerful. In Long and York islands, where General Lee had been stationed, principally, to counteract their machinations, they maintained, even, after the arrival of the commander-in-

* Governor Franklin was born about the year 1731. He was a captain in the French war, and served at Ticonderoga. After the peace of Paris he accompanied his father to England. Going to Scotland he became acquainted with the Earl of Bute, on whose recommendation, to Lord Halifax, he was appointed governor of New Jersey, in 1763; from which time he continued in office, until deposed in the manner above stated. He died in England, November 17th, 1813, aged eighty-two years. By his first wife, a West Indian, he had a son, William Temple Franklin, who edited the works of his grandfather, suppressing, as it is said, at the instance of the British government, some very important memoirs. He died at Paris, May 25th, 1823. Governor Franklin differed, essentially, in temperament from his illustrious father, preferring ease to action, and gained a life of inglorious comfort, by the sacrifice of an eternity of fame. His own conduct and the reputation of his father, had made him respected in New Jersey, and had he joined the popular party, he would, probably, have attained high distinction among American patriots. Governor Franklin, as well as Governors Bernard and Hutchinson, were Americans, and though sons of the soil, their devotion to the parent state, and the royal cause, was right loyal; and such was the effect of the royal favour, on them, as to give us occasion to rejoice, that it had not been more bountifully dispensed among the patriots of 1776. To carry his points in England, Lord North was profusely beneficent. Ten peers, at once, were called up into the English House, and one day, the 22d of July, 1777, saw the Irish peerage reinforced by eighteen new barons, seven barons further secured by being created viscounts, and five viscounts advanced to earldoms. It was, perhaps, happy for America, that, at the dawn of the rebellion, the griefs of the complainants had not been medicated by a patronage like this.

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chief, a regular intercourse with Governor Tryon, and devised plans for co-operating with the enemy. When the contest assumed the form of active hostility, disaffection to the American cause took a decided shape, and its enemies united as a party; still numbers followed with the body of their countrymen, and were not distinguishable until the declaration of independence. That measure effectually separated the mass.

Where the previous measures of the continental and local governments had been generally and cordially supported, the public mind was prepared for independence. In New England, Virginia, and South Carolina, there was scarce a dissentient voice. From New York to Maryland, inclusive, the people were more divided. In North Carolina an efficient majority was friendly, but there was a powerful minority, ready to seize the first opportunity to manifest their hostility. Georgia was weak and disunited.

In New York and New Jersey the British were received with open arms, by the disaffected, as their deliverers from oppression. The tories were so numerous, that, as the army advanced into the country, the militia of the islands were embodied for their defence; and these states afforded corps of regulars, equal to their quotas in the American army. Upon taking possession of Long Island, General Howe assured his army, that they were among friends, and prohibited, under the severest penalties, every species of violence.* As he advanced to the White Plains, the state Convention entertained fears of a dangerous insurrection, and seemed apprehensive of an attempt to punish the disaffected, though actually engaged in enlisting men for the British service. Much dread was felt, that they would seize the important passes of the highlands; and it was thought dangerous to march the militia from some of the neighbouring counties for their protection, lest their absence should encourage the loyalists to assemble in arms.

On entering the Jerseys, Lord Cornwallis gave orders similar to those of General Howe, on Long Island. The proclamation, offering protection to those who would come in and take the oaths of allegiance, within sixty days, also, contained assurances, that the obnoxious laws, which had occasioned the war, would be revised. The effect of these measures, with the military success of the enemy, was to extinguish, nearly, the spirit of resistance. A few militia, only, were in arms, under General Williamson; whose indisposition, compelling him to leave the service, they were afterwards commanded by General Dickenson; but the great body of the country was either with the enemy, or had too little zeal for the cause, to hazard their lives and fortunes in its support. When urged to take up arms, they answered, "that General Howe promised them peace, liberty, and safety, and more they could not require."

The articles of association of 1775, may be deemed the entering wedge of division, between the parties in New Jersey, as in other parts of America. Those who refused to sign, or having signed, disobeyed, their requisitions, were held enemies to their country, and as such, were not only denounced by the county and township committees, but were fined and imprisoned, as well by the order of such committees, as by that of the provincial Conventions and committees of safety. Notwithstanding these measures, counter associations were attempted, resolving to pay no tax levied by order of the provincial Congress, nor to purchase any goods distrained for such taxes, or for non-attendance at militia musters. These, and like demonstrations of hostility, induced the committee of safety of the province, on the fifteenth of January, 1776, earnestly to recommend to the several county and town committees, the execution of the resolve of the continental Congress, of the

* For violation of these orders some soldiers were condemned and executed.

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second of that month, recommending due moderation and prudence, and requesting all officers of militia to lend their assistance. Under this resolution several persons, from different parts of the state, were brought before the committee of safety, and the provincial Congress, which sat from the thirty-first of January to the second of March, 1776. Most of the prisoners confessed their faults, craved pardon, and were either dismissed uncathed, or subjected to a small pecuniary mulct, and to give security, in various sums, for future good conduct. But with the progress toward independence, the number of the disaffected, increasing rapidly, gave much employment to the provincial Congress, which assembled on the tenth of June; and which framed the state constitution; and their proceedings assumed a greater degree of severity. Memorials, from several counties, complaining of the hostile intentions and proceedings of the disaffected, particularly, in Monmouth, Hunterdon, Bergen, and Sussex, called forth a reiteration of previous instructions to the county committees, and formal summons to the inculpated, to appear before the Convention. On the twenty-sixth of June, that body having intelligence, that there were several insurgents in the county of Monmouth, who took every measure in their power to contravene the regulations of Congress, and to oppose the cause of American freedom, and that it was highly necessary, that an immediate check should be given to so daring a spirit of disaffection, resolved, that Colonel Charles Read should take to his aid, two companies of the militia of the county of Burlington, and proceed, without delay, to the county of Monmouth, to apprehend such insurgents as were designated to him by the president of the Convention. Authentic information was, at the same time, received, that other disaffected persons in the county of Hunterdon had confederated for the purpose of opposing the measures of Congress, and had even proceeded to acts of open and daring violence; having plundered the house of a Captain Jones, beaten, wounded, and otherwise abused the friends of freedom in the county, and publicly declared, that they would take up arms in behalf of the King of Great Britain. In order, effectually, to check a combination so hostile and dangerous, Lieutenant-colonel Abraham Ten Eick and Major Berry were directed, with the militia of the counties of Hunterdon and Somerset, to apprehend these insurgents. On the first of July the provincial Congress resolved, that the several colonels of the counties, should, without delay, proceed to disarm all persons within their district, who, from religious principles, or other causes, refused to bear arms. Two days after the last, an additional order was given to Colonel Charles Read, Lieutenant-colonel Samuel Forman, and Major Joseph Haight, with two hundred militia of Burlington, and two hundred of Monmouth county, to proceed, without delay, to quell an insurrection in Monmouth, and to disarm and take prisoners, whomsoever they should find assembled, with intent to oppose the friends of American freedom; and to take such measures as they should think necessary for this service. On the fourth of July, Congress resolved, that as divers persons, in the county of Monmouth, who had embodied themselves, in opposition to its measures, had expressed their willingness to return to their duty, upon assurances of pardon, alleging, that they have been seduced and misled, by the false and malicious reports of others; such persons as should, without delay, return peaceably to their homes, and conform to the orders of Congress, should be treated with lenity and indulgence, and upon their good behaviour, be restored to the favour of their country; providing, that such as appeared to have been the leaders and principals in these disorders, and who, to their other guilt, had added that of seducing the weak and the unwary, should yet be treated, according to their demerits.

Under these and like resolutions many persons, among whom were seve-

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ral of large property and great respectability, were brought before Congress. Some were imprisoned, some fined, and others suffered to go at large upon their parole; others were compelled to enter into recognizance with security, conditioned for *their good behaviour;* and others were relegated to such places within the province, as the Congress supposed could give them the least opportunity of evil.*

When the state government was organized, under the constitution, the Legislature enacted a law of like tenor, with the ordinance of the convention, against treason;—and further declared, that any one owing allegiance to the state, who should by speech, writing, or open deed, maintain the authority of the King and Parliament of Great Britain, should be subject, by the first offence, to fine, not exceeding three hundred pounds, and imprisonment, not exceeding one year; and for the second, to the pillory, and the like imprisonment;—that reviling, or speaking contemptuously of the government of the state, of the Congress, or United States of America, or of the measures adopted by the Congress, or by the Legislature of the state, or maliciously doing any thing whatever, which would encourage disaffection, or manifestly tend to raise tumults and disorders in the state; or spreading such false rumours, concerning the American forces, or the forces of the enemy, as would tend to alienate the affections of the people from the government, or to terrify or discourage the good subjects of this state, or to dispose them to favour the pretensions of the enemy, should, also, be punishable in the same manner. By the same act, two justices of the peace were empowered to convene by summons or warrant, any person, whom they should suspect to be dangerous or disaffected to the government; and compel him to take the oath of abjuration, and of allegiance, under penalty of being bound with sufficient sureties to his good behaviour, or imprisoned until the meeting of the Quarter Sessions; when, upon refusal, he might be fined or imprisoned, at discretion of the court. This act drew the cords around the discontented much more closely, than they had hitherto been. But it became necessary to strain them still tighter.

An act of June 5th, 1777, declaring, that divers of the subjects of the state, having, by the arts of subtile emissaries from the enemy, been seduced from their allegiance, and prevailed upon by delusive promises, to leave their families and friends, and join the army of the King of Great Britain, and had since become sensible of their error, and desirous of returning to their duty; that many of such fugitives and others, who had been guilty of treasonable practices against the state, secreted themselves to escape the punishment of their crimes—and that, in compassion to their unhappy situation, the Legis-

* We could give a very long list of names of disaffected persons; but we refrain for very obvious reasons. Persons who are curious to revive the remembrance of these scenes, may have recourse to the journals of the convention, and the columns of the newspapers of the period, where they may find many a name which has since been distinguished for good service to the state. We may, however, make the following extract from the minutes of the Congress.—"The petition from sundry ladies, from Perth Amboy, was read the second time, and ordered, that a copy of the following letter, addressed to Mrs. Franklin, one of the subscribers, be signed by the president and secretary—'Madam: I am ordered, by Congress, to acquaint you, and through you, the other ladies of Amboy, that their petition, in favour of Dr. John L——, has been received and considered. Could any application have promised a greater indulgence to Dr. L——, you may be assured yours could not have failed of success. But, unhappily, madam, we are placed in such a situation, that, motives of commiseration to individuals, must give place to the safety of the public. As Dr. L——, therefore, has fallen under the suspicion of our generals, we are under the necessity of abiding by the steps which we have taken;' &c. The doctor was transferred to Morristown, on his parole, not to depart thence, more than six miles, without leave of Congress."

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lature was desirous that no means should be left unemployed, to prevent the effusion of blood, and to give those an opportunity of returning to their allegiance, who should testify their desire to be restored to the inestimable rights of freemen. To this end the act provided, That, such offender, on or before the first of August, then next ensuing, might appear before a judge or justice of the peace, and take the oaths to the state; and should, thereupon, be pardoned his offence, and restored to the privileges of a citizen; That, if he were so far lost to every sense of duty to his country, his family, and his posterity, as to decline the clemency so proffered, his personal estate should be forfeited to the state; and all alienations thereof, and of his real estate, subsequent to the act, were declared void; That commissioners should be appointed in the respective counties, to make inventories of such personal estate, to dispose of perishable parts, or where in danger of falling into the hands of the enemy, of the whole; to keep the proceeds for the owner claiming the benefit of the act, but paying the same to the treasurer for the use of the state, in case of the non-claim of the proprietor within the prescribed time.

This act was followed by another of 16th April, 1778, directing the commissioners of the several counties to make return to a justice of the peace, of the name and late place of abode of each person whose personal estate they should seize, and to obtain from the justice a precept for summoning a jury of freeholders, to inquire whether he had, since the date of the act against treason, (4th October, 1776,) and before the 5th June, 1777, joined the army of the King of Great Britain, or otherwise offended against his allegiance to the state. The jury finding against the accused, their inquisition was returned by the justice, to the next court of Common Pleas; where it might be traversed, either at the return, or the succeeding, term, by the party, on entering into recognisance, to prosecute with effect. But in default, judgment of forfeitures was rendered, and the commissioners empowered to sell all the personal estate of the fugitive, and to take possession of all his books of account, bonds, mortgages, &c., in whose hands soever they might be; and to collect all debts due to him. Similar provisions were made, relative to persons committing like offences, subsequent to the act of pardon, of the 5th of June, 1777. The commissioners were, also, empowered to take into their possession and management, all the real estate of the offender, and lease the same for a term not exceeding a year, and to hold possession of such estate, before inquisition found, when it had been abandoned by the owner. Tenants in possession, were required to attorn to the commissioners. All sales of real or personal estate, by any person, against whom inquisition was found, made after the offence committed, were declared void.

This severity was carried still further by the act of December 11th, 1778, directing, that all the real estate of offenders at the time of the offence, or thereafter, acquired, in fee or otherwise, against whom inquisition and judgment had been, or should be, rendered, should be forfeited to the state; and that, every person, whether an inhabitant of this state, or of any other of the United States, seized or possessed of real or personal estate, who had, since the *19th day of April*, 1775, (the day of the battle of Lexington) and before the *4th day of October*, 1776, aided and assisted the enemies of the state, or of the United States, by joining their armies within the state, or elsewhere, or had voluntarily gone to, taken refuge or continued with, or endeavoured to continue with, the enemy, and aid them by council or otherwise, and who had not since returned and become a subject in allegiance to the present government, by taking the prescribed oaths or affirmations when required, to be guilty of high treason, and on inquisition and judgment, his whole estate, real and personal, was forfeited to the state; but such proceed-

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ings affected the estate only, not the person of the offender. The real estates so forfeited were sold, and title made therefor, by the commissioners, and no error in the proceedings affected the purchaser, nor did pardon relieve the forfeiture. The forfeited estates were held liable for the debts of the offender, and some efforts, unsuccessful we believe, were made, to render them responsible for such damages as the former owners might commit in their predatory excursions.

The same act declared, every inhabitant of the state who had joined the enemy by taking refuge among them, or affording them aid by counsel or otherwise, and who should be convicted of high treason, or otherwise forfeit his estate, pursuant to the act, or should be duly convicted of treason, felony, or misdemeanour, for going to, taking refuge with, or affording any aid and assistance to the enemy, incapable of holding any office of trust or profit, or of exercising the elective franchise, and deprived all persons within the state who had suffered fine or imprisonment for refusing to testify their allegiance, by taking the oaths, of the capacity to exercise any military office.

Under these acts, a large mass of property was brought into the market and sold for the benefit of the state, and also of many of the commissioners. In 1781, the market was probably glutted, and property was very greatly sacrificed; when the act of June 26th, declaring, that the continuance of the sales might prove injurious to the interests of the state, directed their suspension until further order, and the authority of the commissioners to cease. Another act of 1781, (20th December,) substituted a single agent, in the respective counties, for the commissioners; and the act of December 16th, 1783, directed such agents to proceed in the sale of such estates, and to receive in payment any obligation of the state. Subsequently, various provisions were made for satisfying the claims of the creditors of the offenders.

During the greater part of the war, the tory refugees from New Jersey were embodied on Staten, Long, and York islands; and when the British were in force in the state, they collected on the eastern and south-eastern border, and occasionally appeared in other districts. Their hostility was more malignant than that of the British soldiery, and being commonly directed by revenge, was more brutally practised, and more keenly felt. Intimately acquainted with the country, they could more suddenly enter it, strike a barbarous stroke and retreat. This spirit was encountered by one almost as fierce and ruthless, in which, however, there was the redeeming quality of patriotism. Many a tale of the romantic daring of the invaders, and of the fearless devotion of the defenders, is yet told, along the eastern shores, and amid the cedar swamps, and pine forests of the state.

The enterprise of the refugee royalists was frequently directed against the persons of the distinguished patriots of the state. Among their first successful attempts, was that on Mr. Richard Stockton. On the entrance of the British army into New Jersey, after the capture of Fort Washington, that gentleman withdrew from Congress in order to protect his family and property, at his seat near Princeton. He removed his wife and younger children into the county of Monmouth, about thirty miles from the supposed route of the British army. On the 30th of November, he was, together with his friend and compatriot John Covenhoven, at whose house he resided, dragged from his bed by night, stripped and plundered, and carried by the way of Amboy to New York. At Amboy he was exposed to severe cold weather in the common jail, which, together with subsequent barbarity in New York, laid the foundation of disease, that terminated his existence in 1781. His release was probably procured by the interference of Congress, in January.

We cannot more fully, nor more truly justify the measures of severity

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adopted against the disaffected, than by the following extract from the speech of Governor Livingston, to the Assembly, on the 29th of May, 1778.

"I have further to lay before you, gentlemen, a resolution of Congress of the 23d of April, recommending it to the Legislatures of the several states, to pass laws, or to the executive authority of each state, if invested with sufficient power, to issue proclamations offering pardon, with such exceptions and under such limitations and restrictions as they shall think expedient, to such of their inhabitants or subjects as have levied war against any of these states, or adhered to, aided or abetted the enemy, and shall surrender themselves to any civil or military officer of any of these states, and shall return to the state to which they may belong, before the tenth day of June, next; and recommending it to the good and faithful citizens of these states, to receive such returning penitents with compassion and mercy, and forgive and bury in oblivion their past failings and transgressions.

"Though I think it my duty to submit this resolution to your serious consideration, because it is recommended by Congress, I do not think it my duty to recommend it to your approbation, because it appears to me both unequal and impolitic. It may, consistently, with the profoundest veneration for that august Assembly, be presumed, that they are less acquainted with the particular circumstances and internal police of some of the states, than those who have had more favourable opportunities for that purpose. There seems, it is true, something so noble and magnanimous in proclaiming an unmerited amnesty to a number of disappointed criminals, submitting themselves to the mercy of their country; and there is in reality something so divine and christian in the forgiveness of injuries, that it may appear rather invidious to offer any thing in obstruction of the intended clemency. But as to the benevolent religion to which we are under the highest obligations to conform our conduct, though it forbids at all times and in all cases the indulgence of personal hatred and malevolence, it prohibits not any treatment of national enemies or municipal offenders, necessary to self preservation, and the general weal of society. And as to humanity, I could never persuade myself that it consisted in such lenity towards our adversaries, either British or domestic, as was evidently productive of tenfold barbarity on their part, when such barbarity would probably have been prevented by our retaliating upon them the first perpetration; and consequently our apparent inhumanity in particular instances, has certainly been humane in the final result. Alas, how many lives had been saved, and what a scene of inexpressible misery prevented, had we from the beginning treated our bosom traitors with proper severity, and inflicted the law of retaliation upon an enemy, too savage to be humanized by any other argument. As both political pardon and punishment ought to be regulated by political considerations, and must derive their expedience or impropriety from their salutary or pernicious influence upon the community, I cannot conceive what advantages are proposed by inviting to the embraces of their country, a set of beings from which any country, I should imagine, would esteem it a capital part of its felicity to remain forever at the remotest distance. It is not probable that those who deserted us to aid the most matchless connoisseurs in the refinements of cruelty, (who have exhausted human ingenuity in their engines of torture,) in introducing arbitrary power, and all the horrors of slavery; and will only return from disappointment, not from remorse, will ever make good subjects to a state founded in liberty, and inflexibly determined against every inroad of lawless dominion. The thirty-one criminals lately convicted of the most flagrant treason, and who, by the gracious interposition of government, were upon very hopeful signs of *penitence*, generously pardoned, and then with hypocritical cheerfulness enlisted in our service, have all to a man deserted to the

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enemy, and are again in arms against their native country, with the accumulated guilt of its being now not only the country that first gave them life, but which hath, after they had most notoriously forfeited it, mercifully rescued them from death. Whence it is probable, that a real tory is by any human means absolutely inconvertible, having so entirely extinguished all the primitive virtue and patriotism natural to man, as not to leave a single spark to rekindle the original flame. It is indeed, against all probability, that men arrived at the highest possible pitch of degeneracy, the preferring of tyranny to a free government, should, except by a miracle of omnipotence, be ever capable of one single virtuous impression. They have, by a kind of gigantic effort of villany, astonished the whole world, even that of transcending in the enormities of desolation and bloodshed, a race of murderers before unequalled, and without competitor. Were it not for these miscreants, we should have thought, that for cool deliberate cruelty and unavailing undecisive havoc, the sons of Britain were without parallel. But considering the education of the latter, which has familiarised them to the shedding of innocent blood from the mere thirst of lucre, they have been excelled in their own peculiar and distinguished excellence by this monstrous birth and offscouring of America, who, in defiance of nature and of nurture, have not only by a reversed ambition chosen bondage before freedom, but waged an infernal war against their dearest connexions for not making the like abhorred and abominable election. By them, have numbers of our most useful and meritorious citizens been ambushed, hunted down, pillaged, unhoused, stolen, or butchered; by them has the present contest on the part of Britain been encouraged, aided and protracted. They are therefore responsible for all the additional blood that has been spilt by the addition of their weight in the scale of the enemy. Multitudes of them have superadded perjury to treason. At the commencement of our opposition, they appeared more sanguine than others, and like *the crackling of thorns under a pot*, exceeded in blaze and noise, the calm and durable flame of the steady and persevering. They have associated, subscribed, and sworn to assist in repelling the hostile attempts of our bowelless oppressors; they have, with awful solemnity, plighted their faith and honour, to stand with their lives and fortunes by the Congress, and their general, in support of that very liberty, which, upon the first opportunity, they perfidiously armed to oppose, and have since sacrilegiously sworn, utterly to exterminate. This worthy citizen has lost a venerable father; that one a beloved brother; and a third, a darling son, either immediately by their hands or by their betraying him to the enemy, who, from a momentary unintentional relapse into humanity, were sometimes inclined to spare, when these pitiless wretches insisted upon slaughter, or threatened to complain of a relenting officer, merely because he was not diabolically cruel."

X. From the actual assumption of political independence, to that of a formal declaration, the interval could not be long. On the very day that Congress adopted the resolution recommending to the colonies a change in their form of government; the convention in Virginia resolved unanimously, that their delegates in Congress should propose to that body, to declare the United Colonies free and independent states, absolved from all allegiance to, or dependence on the King and Parliament of Great Britain. The public mind was now fully prepared for this measure. The Assemblies of Maryland, Pennsylvania, and New York, which had displayed the greatest reluctance and forborne the longest, at length assented to it. The proposition was made in Congress, on the 7th of June, 1776, by Richard Henry Lee of Virginia, and seconded by Mr. John Adams of Massachusetts, "*that the United Colonies are, and of right ought to be, free and independent states, and that all political connexion between them and the state of Great Britain, is, and ought to be,*

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totally dissolved." This resolution was referred to a committee of the whole Congress, where it was daily debated. In favour of the resolution, Messrs. Lee and Adams were the most distinguished speakers. The latter has been characterized as "the ablest advocate" of independence. Its most formidable opponent was Mr. John Dickenson, whose "Farmer's Letters," had signally served to awaken the resistance of the people to British oppression. Mr. Dickenson's views were those of a sincere, but timid patriot. He lived to discover that his fears were groundless, and to give his aid in maturing and perfecting the institutions of independent America. In resisting the declaration of independence, he was actuated by no ignoble personal fears; his apprehension was for his country. For at this period, no man could be more obnoxious to British statesmen, than the author of the Farmer's Letters, who now, bore a colonel's commission, and was, in the month of July, 1776, upon the lines of New Jersey, and New York. The considerations which weighed upon his mind affected the minds of others; among whom were Wilson of Pennsylvania, R. R. Livingston, of New York, E. Rutledge, and R. Laurens, of South Carolina, and William Livingston, of New Jersey; who, if they did not doubt of the absolute inexpediency of the measure, believed it premature.

On the first day of July, the resolution declaratory of independence, was approved in committee of the whole, by all the colonies, except Pennsylvania and Delaware. Seven of the delegates from the former were present, four of whom voted against it. Mr. Rodney, one of the delegates from the latter, was absent, and the other two, Thomas M'Kean and Gorge Read, were divided in opinion; M'Kean voting for, and Read against, the resolution. On the report of the committee to the House, the further consideration of the subject was postponed until the next day, when the resolution was finally adopted, and entered on the journals.* Pending this memorable discussion, a committee, consisting of Messrs. Jefferson, John Adams, Franklin, Sherman, and R. R. Livingston, was appointed to prepare *the delaration of independence.* Messrs. Jefferson and Adams were named a sub-committee, charged especially with that duty; and the original draught of that eloquent manifesto was made by the former. It was adopted by the chief committee without amendment, and reported to Congress on the twenty-eighth of June. On the fourth of July, having received some slight alterations, it was sanctioned by the vote of every colony.†

The delegation in Congress, from New Jersey, during part of the time, employed in the consideration of the question of independence, had been elected by the Convention, on the fourteenth of February, 1776. It consisted of Messrs. Livingston, De Hart, Richard Smith, John Cooper, and Jonathan Dickenson Sergeant. After the proposition of the fifteenth of May for organizing provincial governments, it would seem that nearly all these gentlemen were reluctant to assume the responsibility of measures which led, eventually, to independence. Richard Smith, alleging indisposition, resigned his seat on the twelfth, John De Hart on the thirteenth, and Mr. Sergeant on the twenty-first of June. Mr. Cooper appears to have taken no part in the proceedings of this Congress. His name, with that of Mr. Sergeant, is regularly on the minutes of the State convention, from the 10th of June, to the 4th of July. Mr. Livingston was withdrawn, on the 5th of June, to assume the duty of brigadier-general of the New Jersey militia. Messrs. Richard Stockton, Abraham Clarke, John Hart, Francis Hopkinson, and Dr. John Witherspoon, were substituted for the previous delegation, on the 21st of June; and were, probably, all present at the time of the final votes upon the resolution, and the declaration of independence. It is certain, that

* Journals of Congress. † Ibid.

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on the 28th of June, Mr. Hopkinson appeared in the continental Congress, and presented instructions empowering him and his colleagues to join in declaring the united colonies independent of Great Britain, entering into a confederation for union and common defence, making treaties with foreign nations, for commerce and assistance, and to take such other measures as might appear necessary for these great ends."*

On the 17th of July, the provincial Congress resolved, that, "Whereas, the honourable, the continental Congress have declared the United Colonies free and independent States, We, the deputies of New Jersey, in provincial Congress assembled, do *resolve and declare*, That we will support the freedom and independence of the said States, with our lives and fortunes, and with the whole force of New Jersey." And on the succeeding day they changed the style and title of the "provincial Congress of New Jersey," to that of the "Convention of the State of New Jersey."

* Journals of Congress, vol. ii. p. 230.

We are careful in noting these circumstances, as Mr. Samuel Adams, in a letter, dated 15th July, 1776, to Richard Henry Lee, observes, "We were more fortunate than we expected, in having twelve of the thirteen colonies in favour of the all-important question. The delegates of New Jersey were not empowered to give their voice on either side. Their convention has since acceded to the declaration, and published it, even before they received it from Congress."—*Mem. of Richard Henry Lee*, vol. i. p. 183. This error has been further promulged by the following note, in Mr. Sedgwick's *Life of Livingston*, page 194.—"This delegation, consisting of Witherspoon, Stockton, and others, arrived after the declaration had been signed, but were allowed to fix their names to it." We do not find on the Journal of Congress, the name of any other of the delegates, than Mr. Hopkinson, between the 21st of June, and 4th of July. But the following statement given in the life of R. H. Lee, vol. i. 176, upon, we know not what authority, shows, if correct, that another of the Jersey delegates was present, at the adoption of the declaration. "In the clause of the original draught, that upbraids George III., with the hiring and sending foreign mercenary troops to invade America, among those mentioned, the *Scotch* are specified. It was said that Dr. Witherspoon, the learned president of Nassau Hall College, who was a Scotchman by birth, moved to strike out the word, '*Scotch*,' which was accordingly done."

The following extract from the life of Mr. Stockton, in the Biography of the Signers of the Declaration of Independence, proves, that he, also, was present.—"Mr. Stockton immediately took his seat in the continental Congress, and was present at the debates which preceded the promulgation of that memorable charter of national independence, to which his name is affixed. It has been remarked by Dr. Benjamin Rush, who was a member of the same Congress, that Mr. Stockton was silent during the first stages of this momentous discussion, listening with thoughtful and respectful attention to the arguments that were offered by the supporters and opponents of the important measure then under consideration. Although, it is believed, that, in the commencement of the debate, he entertained some doubts as to the policy of an immediate declaration of independence, yet in the progress of the discussion, his objections were entirely removed, particularly by the irresistible and conclusive arguments of the honourable John Adams, and he fully concurred in the final vote, in favour of that bold and decisive measure. This concurrence he expressed in a short and energetic address, which he delivered in Congress, towards the close of the debate." It may be true, but is not probable, that Mr. Stockton doubted, in Congress, upon this measure. It is certain, that he was instructed by the convention, which appointed him, to support it, and in so doing, performed a delegated trust, which he was too honest to betray. This State had decided the question before she sent him to announce her consent.

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CHAPTER XIII.

I. Military Proceedings in Canada.—II. Measures adopted in Great Britain.—III. Objects proposed for the Campaign of 1776.—IV. Operations against New York, and the surrounding Country.—V. Proposals for accommodation, by the British Commissioners.—VI. Condition of the American Forces, at New York—Landing of Lord Howe, on Long Island.—VII. Battle of Brooklyn.—VIII. Retreat of the American Army from Long Island.—IX. Unhappy Effect of the Defeat of the American Army.—X. Lord Howe renews his Attempts for accommodation of the Quarrel—Proceedings of Congress.—XI. Military Movement of the Armies, after the Battle of Brooklyn.—XII. American Army, by advice of General Lee, quit York Island.—XIII. Battle of White Plains.—XIV. Capture of Fort Washington.—XV. Abandonment of Fort Lee, and retreat of the American Army—Its condition—Inhabitants join the British.—XVI. Washington crosses the Delaware—The enemy possess themselves of the left bank.—XVII. Capture of General Lee.—XVIII. New efforts of the Commander-in-Chief—The enemy retire into Winter Quarters.—XIX. Battle of Trenton.—XX. The British re-open the Campaign.—XXI. The American Army re-enters Jersey.—XXII. Battle of Princeton.—XXIII. The American Army retreat to Morristown—Beneficial results of the late actions.—XXIV. Firmness of Congress.—XXV. Condition of New Jersey.—XXVI. The American Army innoculated for the Small Pox.—XXVII. Measures for reclaiming the disaffected of New Jersey.—XXVIII. License of American Troops—restrained.

I. The early successes of General Montgomery, had induced Congress to reinforce the army under his command; and on the intelligence transmitted previous to the assault on Quebec, they resolved, that nine battalions should be maintained in Canada.* Nor did the repulse extinguish this ardour. The council of war, of the army before Boston, resolved, that as no troops could be spared from Cambridge, the colonies of Massachusetts, Connecticut, and New Hampshire, should forward their regiments to Canada; and Congress, in addition to the reinforcements previously ordered, directed four battalions from New York. The indispensable articles, blankets, were procured by contributions of householders, from their family stocks, and specie, by the enthusiasm of patriots, who readily exchanged, at par, their Mexican dollars, for the paper bills of Congress. It was resolved, also, to raise a corps of artillery for this service, and to take into pay one thousand Canadians, in addition to Colonel Livingston's regiment, and to place them under the command of Moses Hazen, a native of Massachusetts, who had resided many years in Canada. A stimulating address to the inhabitants, was published by Congress; and a printing press, and a priest, were despatched, that the cause might have the powerful aid of letters and religion. Dr. Franklin, and Mr. Chase, members of Congress, and Mr. Carrol, who was of the Roman Catholic persuasion, proceeded to Canada, with the design of gaining over the people; having authority to promise them admission to the union of the colonies, upon equal terms, with the full enjoyment of their liberty, and ecclesiastical property. Such was the diligence exerted, that, in despite of the season, the first reinforcements reached the American army, before Quebec, on the eleventh of April, one thousand seven hundred and seventy-six.

Notwithstanding these exertions of the United States, their interest in Canada had daily declined, from the fall of Montgomery. The unsuccessful

* January 8th, 1776.

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assault on Quebec, had dispirited the friendly Canadians, and Indians. The small pox, which had been communicated to the army by a woman who had been sent, voluntarily or compulsorily, from the city, so disabled the troops, that, of three thousand men, nine hundred only were fit for duty. The affections of the people were aliened by the misconduct of the continental soldiery, which, in many instances, officered by men from obscure life, without education, or morals, abandoned themselves to plunder, and other crimes, not more disgraceful to themselves than injurious to the cause they were sent to support. And, finally, the early opening of the St. Lawrence, and the arrival of the British succours, compelled the Americans to commence their retreat, very early in the month of May,* with so much precipitation, as to leave their artillery, military stores, and some of their sick, behind. To the last, as well as to such stragglers as were apprehended, or came in, the humanity of General Carlton was exemplary; and more adapted to injure the American cause, than the cruelty of other British commanders. He dismissed his prisoners, after liberally supplying their wants, with the recommendation, "to go home, mind their farms, and keep themselves and their neighbours from all participation in the unhappy war."

A disastrous retreat was pursued, during which, General Thomas, the chief in command, fell a victim to the small pox. On his death, the direction of the army devolved, first on General Arnold, and afterwards on General Sullivan. Brigadier-general Thompson made an unsuccessful attempt on the British post at Trois Rivieres, in which he was made prisoner, though little other loss was sustained. On the first of July, the whole army reached Crown Point, where the first stand was made. The retreat was rendered more painful, by the reproaches of those Canadians, who had united with the invaders, and who were about to be abandoned to the penalties of unsuccessful insurrection, and by the plunder of the merchants of Montreal, by the avaricious and profligate Arnold.

II. Notwithstanding the universal resistance, in America, to the measures of the ministry, the Parliament and people of Great Britain, could not be made to believe, that it would be maintained against a determined spirit on the part of the government, and a few thousand troops to aid the established authorities. This erroneous opinion was confirmed by the royal officers, who were, probably, themselves deceived by their wishes. The military operations, therefore, of the year 1775, were adopted, more to strengthen the civil authority, than to support a contest for empire. But the battles of Lexington, Breed's Hill, and the measures subsequently adopted by Congress, awakened the nation from this delusive dream, and produced an earnest resolution, at all hazards, to establish its supremacy over the colonies.

The speech from the throne, on the opening of the Parliament, twenty-fourth October, 1775, declared, that his Majesty's subjects, in America, "meant, only, to amuse, by vague expressions of attachment to the parent state, while they were preparing for a general revolt;" "that the rebellious war, now levied by them, was become more general, and, manifestly, carried on for the purpose of establishing an independent empire; and that it was become the part of wisdom, and in its effects, of clemency, to put a speedy end to these disorders, by the most decisive exertions." The sentiments of the speech were echoed in the addresses of both Houses of Parliament, but not without a spirited protest in the Lords. Nineteen dissenting members declared the approaching war to be "unjust and impolitic in its principles, and fatal in its consequences," and that they could not approve an address "which might deceive his Majesty and the public, into a belief of

* On the 4th.

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their confidence in the present ministers, who had disgraced Parliament, deceived the nation, lost the colonies, and involved them in a civil war, against their dearest interests, and on the most unjustifiable grounds, wantonly spilling the blood of thousands of their fellow subjects."

With the sanction of Parliament, estimates for the public service were made on the basis of operations against a foreign armed power. Twenty-eight thousand seamen and fifty-five thousand land forces were immediately voted; authority was soon afterwards given to employ foreign mercenaries; and to give full efficacy to these measures, an act of parliament* interdicted all trade with the Americans; authorized the capture of their property, whether of ships or goods, upon the high seas; and directed, "that the masters, crews, and other persons found on board captured American vessels, should be entered on board his Majesty's vessels of war, and there considered to be in his Majesty's service, to all intents and purposes, as if they had entered of their own accord. And this, worse than Mahommedan slavery, was insolently represented, as a merciful substitution of an act of grace and favour, for the death which was due to rebellion. This bill, also, authorized the crown to appoint commissioners, with power to grant pardon to individuals, to inquire into general and particular grievances, and to determine whether any colony or part of a colony was returned to that state of obedience, which might entitle it to be received within the King's peace and protection; in which case the restrictions of the law were to cease. In the debate on the bill, Lord Mansfield, whose ability and legal knowledge were known and admired in America, declared, "that the questions of original right and wrong were no longer to be considered—that they were engaged in a war, and must use their utmost efforts to obtain the ends proposed by it—that they must either fight or be pursued—and that the justice of the cause must give way to their present situation." This declaration, justified by circumstances, from the mouth of a ministerial partisan, excited the astonishment, and aided to cement the union, of the colonists; and the act was, justly, characterized by a member of the opposition, as "a bill for carrying more effectually, into execution, the resolves of Congress." By treaties, approved by Parliament, with the Landgrave of Hesse Cassel, the Duke of Brunswick and the hereditary prince of Hesse Cassel,† sixteen thousand of their subjects were engaged to reduce the rebellious colonies to submission.

In the selection of a general for the royal forces, the command, as a matter of right, was offered to General Oglethorpe, the first on the list of general officers. To the surprise of the minister, the gallant veteran readily accepted the proffer, on condition, that he should be properly supported. A numerous and well appointed army and fleet were promised him. "I will assume the charge," replied he, "without a man or vessel of war, provided, I am authorized, to proclaim to the colonists, that you will do them justice." "I know the people of America well," he added, "and am satisfied that his Majesty has not, in any part of his dominions, more obedient and loyal subjects. You may secure their obedience by doing them justice, but you will never subdue them by force of arms." A commander-in-chief, with such opinions, was unacceptable to the ministry, and the command was given to Sir William Howe.

III. It was resolved, to open the campaign with a force that would look down opposition, and produce submission without bloodshed; and to direct it to three objects: 1. The relief of Quebec; the recovery of Canada; and the invasion of the adjacent provinces: 2. The chastisement of the southern colonies; and—3. To seize New York with a force sufficient to keep pos-

* 20th Nov. 1775. † Feb. 29th, 1776.

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session of the Hudson river, to maintain the communication with Canada, or to overrun the adjacent country. The partial success of the first we have already noticed. The execution of the second, was committed to General Clinton and Sir Peter Parker, and eventuated in their repulse, from Charleston, by the vigorous efforts of the colonists, at Fort Moultrie; and the exertions of General Lee, who had charge of the southern department. The third, which involves the operations in New Jersey, asks from us particular detail.

IV. The command of the force, consisting of about three thousand men, destined against New York, was given to Admiral Lord Howe, and his brother, Sir William, officers, high in the confidence of the British nation; who were, also, appointed commissioners for restoring peace to the colonies. On evacuating Boston, General Howe, as we have seen, retired to Halifax, designing, there, to await reinforcements from England. But his situation proving uncomfortable, and the arrival of succours being delayed, he at length (June 10th, 1776) resolved to sail for New York. On the fourth of July his whole force was established on Staten Island, where he resolved to await the arrival of the troops from Europe. The inhabitants received him with great demonstrations of joy, took the oath of allegiance to the crown, and embodied themselves under the command of the late Governor Tryon. He received, also, strong assurances from Long Island, and the neighbouring parts of New Jersey, of the favourable disposition of the greater proportion of the people to the royal cause. Admiral Lord Howe, after touching at Halifax, arrived, with the fleet and auxiliary forces, on the twelfth of the same month.

It had early been conceived by General Washington, that the British would endeavour to possess New York. Its central position, contiguity to the ocean, and capacity of defence, made it highly desirable to both parties. While the English were yet in Boston, General Lee had been detached from Cambridge, to put the city and Long Island in a posture of defence. As the departure of General Howe from Boston became certain, the probability of his going to New York, increased the necessity of collecting a force for its defence. By a resolution of a council of war, (March 13th, 1766) five regiments, with a rifle battalion, were marched upon it, and the states of New York and New Jersey, were requested to furnish—the former two thousand, and the latter one thousand men, for its immediate defence. General Washington soon afterwards followed, and early in April, fixed his head quarters in that city.

The experience which the American commander already had of the material that must necessarily compose his army, determined him to pursue the Fabian mode of war, *a war of posts;* to hazard nothing, but to hover round the enemy, watching his motions, cutting off his supplies, and perpetually harassing him with small detachments, until his own army had became accustomed to military fatigue and danger. With this view, works were erected, in and about New York, on Long Island, and the heights of Haerlem. Congress on the opening of the campaign, had a force far inadequate to its objects. And though feeling the inconvenience of the temporary armies formed of the militia, on short tours of service, they, or the country, probably both, were not prepared to enlist men for periods that would render them efficient soldiers, and therefore they adopted middle expedients. They instituted a flying camp, composed of one thousand men from the states of Pennsylvania, Delaware, and Maryland, engaged until the first day of the ensuing December, and at the same time, called out 13,800 of the ordinary militia. The ranks of the first were chiefly filled, but great deficiencies occurred in those of the second. The difficulty of providing the troops with arms which had hitherto

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been distressingly great, was now much increased. By the returns of April, the garrison at Fort Montgomery in the Highlands, composed of two hundred and eight privates, had only forty-one guns fit for use; and that at Fort Constitution of one hundred and thirty-six men, had only sixty-eight guns. Flints were scarce, and the lead for musket balls was obtained, by stripping the dwellings.

V. Notwithstanding independence had been declared, the British commanders and commissioners resolved before commencing military operations, to try the influence of their powers for pacification. On the 14th of July, Lord Howe sent on shore, by a flag, a circular letter, addressed severally, to the late governors under the crown, enclosing a declaration which he requested them to publish, announcing to the people his authority to grant pardon to all, who having departed from their allegiance, would, by speedy return to duty, merit the royal favour; to declare any colony, town, port, or place, in the peace, and under the protection of the crown, and excepted from the penal provisions of the act of Parliament, prohibiting trade and intercourse with the colonies; and to give assurances, that the services of all persons aiding in the restoration of public tranquillity, should be duly considered. These papers were transmitted to Congress, who caused them to "be published in the several gazettes, that the good people of the United States might be informed of what nature were the powers of the commissioners, and what the terms," offered by them. About the same time, his lordship addressed a letter to "George Washington, Esq.," which the general refused to receive, because his public character was not, thereby, recognised, and in no other, could he have intercourse with the writer. This reason, unquestionably sound, was approved by the Congress. The commissioners, earnest in their purpose, sent Colonel Patterson, adjutant-general of their army, to the American commander, with another letter, directed to "George Washington, &c. &c. &c." When introduced to the general, he addressed him by the title of "Excellency;" and presented the regrets of General Howe, for the difficulty which had arisen with respect to the direction of the letter; observing, that the mode adopted was deemed consistent with propriety, and was founded on precedent in cases of diplomates, when disputes had been made about rank; that General Washington had, in the preceding summer, addressed a letter to "the honourable William Howe;" that the commissioners did not mean to derogate from his rank, or the respect due to him, and that they held his person and character in the highest esteem; but that, the direction, with the addition of &c. &c. &c. implied every thing which ought to follow. The colonel, then, produced a letter, which he said was the same that had been before sent, and which he laid upon the table. But the general declined to receive it. He still urged, that, the address of a letter to one in a public character, should indicate such character, and remarked, that though the et ceteras implied every thing, they also implied any thing: That, his letter to General Howe was an answer to one he had received from him under a like address, and that he would decline any letter relating to his official station, directed to him as a private person. During the subsequent conference, which the adjutant-general wished to be considered as a first advance towards conciliation, he remarked, that "the commissioners were clothed with great powers, and would be very happy in effecting an accommodation." But he received for answer, that "from appearances, they had power only to pardon those, who having never transgressed, sought no forgiveness." Soon after this interview, a letter from General Howe respecting prisoners, properly addressed to General Washington, was duly received.

These seductive efforts of the British agents were repaid by Congress in kind. A resolution of the 14th of August, offered to all foreigners who should

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leave the armies of his Britannic Majesty in America, and become members of any of the states, protection in the free exercise of their religion, the enjoyment of the privileges of natives, together with fifty acres of land.

VI. The amount of the American force rendered the British commanders cautious in commencing their operations by land. Their fleet, however, gave them great advantages, and soon demonstrated the total inefficiency of the American obstructions to the passage of the North river. Frigates and smaller vessels passed the batteries of New York, Paules Hook, Red Bank, and Governor's Island, almost with impunity. The American army in the vicinity of New York, on the 8th of August, consisted of not more than seventeen thousand men, mostly new recruits, distributed in small and unconnected posts, some of which were fifteen miles distant from others. It was soon after increased by Smallwood's regiment from Maryland, two regiments from Pennsylvania, and a body of New England and New York militia, to twenty-seven thousand; of whom, however, one-fourth were unfitted for duty by sickness. A part of this force was stationed on Long Island, where Major-general Greene had originally commanded, but becoming extremely ill, had been succeeded by Major-general Sullivan.

As the defence of Long Island was intimately connected with that of New York, a brigade had been stationed there, whilst the army was assembling; and had taken a strong post at Brooklyn, where an extensive camp had been marked out and fortified. The village is on a small peninsula, formed by the East river, the Bay, and Gowan's Cove, into which a creek empties itself. This encampment fronted the main land of the island, and the works stretched quite across the peninsula, from Waaleboght Bay in the East river, on the left, to a deep marsh on the creek emptying into Gowan's Cove on the right. The rear was covered by the batteries on Red Hook, Governor's Island, and on the East river. In front of the camp was a range of hills, crowned with thick woods, which extended from east to west, near the length of the island; and though steep, they were every where passable by infantry.

The whole of the English force having at length arrived, General Howe indicated his intention to remove to Long Island—a battle for its possession became inevitable. To this selection he was induced by its abundant product of the supplies which his forces required. He landed on the 22d of August, between the small towns, Utrecht and Gravesend, without opposition; Colonel Hand, with a Pennsylvania regiment, retiring before him to the woody heights commanding the pass leading through Flatbush to the works at Brooklyn. Lord Cornwallis immediately marched to seize this pass, but finding it occupied, took post in the village.

VII. On the 25th of August, Major-general Putnam took command at Brooklyn, with a reinforcement of six regiments. On the same day, General de Heister landed with two brigades of Hessians; and on the next, took post at Flatbush. In the evening, Lord Cornwallis drew off to Flatland. General Washington passed the day at Brooklyn, making arrangements for the approaching action, and returned at night to New York.

The Hessians, under de Heister, composed the centre of the British army at Flatbush; Major-general Grant commanded the left wing extending to the coast; and the greater part of the forces, under General Clinton, Earl Percy, and Lord Cornwallis, turning to the right, approached the opposite shore at Flatland.

The armies were now separated by the range of hills already mentioned. The British centre was scarce four miles from the American lines, at Brooklyn. A direct road, from the one to the other, led across the heights. Another, but more circuitous road ran from Flatbush, by the way of Bedford,

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a small village on the Brooklyn side of the hills. The right and left wings of the British were nearly equidistant, five or six miles from the American works. The road from the Narrows, along the coast, and by Gowan's Cove, was the most direct route to their left; and their right might either return by the way of Flatbush, and unite with the centre, or take a more circuitous course, and enter a road leading from Jamaica to Bedford. These roads united between Bedford and Brooklyn, a small distance in front of the American lines.

In the hills, on the direct road from Flatbush to Brooklyn, near the former, the Americans had reared a fortress, which had a body of troops with several pieces of artillery, for its defence. The coast and Bedford roads were guarded by detachments, posted on the hills, within view of the English camp, which were relieved daily, and were engaged in obstructing the ways by which the enemy might advance. General Woodhull, with the militia of Long Island, was ordered to take post on the high grounds, as near the enemy as possible; but he remained at Jamaica, scarcely recognising the authority of the officer commanding on the island. Light parties of volunteers patrolled the road from Jamaica to Bedford; about two miles from which, near Flatbush, Colonel Miles, of Pennsylvania, was stationed with a regiment of riflemen.

On the 26th, Colonel Lutz, of the Pennsylvania militia, commanded on the coast road; and Colonel Williams, from New England, on the road leading from Flatbush to Bedford. Colonel Miles, with his regiment, remained where he had been, originally, placed. About nine at night, General Clinton, silently drew the van of the army from Flatland, in order to seize a pass in the heights, about three miles east of Bedford, on the Jamaica road. In the morning of the 27th, about two hours before day, within a half mile of the pass, he captured an American party, which had been stationed on the road, to give notice of the approach of the enemy. He possessed himself of the unoccupied pass, and with the morning light, the whole column passed the heights, and advanced into the level country between them and Brooklyn. They were immediately followed by another column, under Lord Percy. Before Clinton had secured the pass, General Grant proceeded along the coast, with the left wing, and ten piebes of cannon. As his first object was to draw the attention of the Americans from their left, he moved slowly, skirmishing with the light parties in his front.

As it had been determined to defend the passes through the hills, General Putnam, apprized of these movements, reinforced his advance parties, and as the enemy gained ground, employed stronger detachments on this service. About three o'clock in the morning, Brigadier-general Lord Stirling, with the two nearest regiments, was directed to meet the enemy, on the road leading from the Narrows. Major-general Sullivan, who commanded all the troops without the lines, proceeded at the head of a considerable body of New Englandmen, on the road leading directly to Flatbush, while another detachment occupied the heights between that place and Bedford.

About break of day, Lord Stirling reached the summit of the hills, where he was joined by the troops which had been already engaged, and were retiring slowly before the enemy, who almost immediately appeared in sight. Having posted his men advantageously, a warm cannonade commenced on both sides, which continued several hours; and some sharp, but not very close skirmishing took place between the infantry. Lord Stirling being anxious, only, to defend the pass, could not descend in force from the heights; and General Grant did not wish to drive him thence, until the part of the plan intrusted to Sir Henry Clinton, should be executed.

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In the centre, De Heister, soon after daylight, began to cannonade the troops under Sullivan; but did not remove from Flatbush, until the British right had approached the left and rear of the American line. In the mean time, the more effectually to draw attention from the point where the grand attack was intended, the fleet was put in motion, and a heavy cannonade commenced on the battery at Red Hook.

About half past eight o'clock, the British right having then reached Bedford, in the rear of Sullivan's left, De Heister ordered Colonel Donop's corps to advance to the attack of the hill, following himself with the centre. The approach of Clinton was now discovered by the American left, which immediately endeavoured to regain the camp at Brooklyn. They were retiring from the woods by regiments, with their cannon; when they encountered the front of the British, consisting of the light infantry and light dragoons, who were soon supported by the guards. About the same time, the Hessians advanced from Flatbush, against that part of the detachment which occupied the direct road to Brooklyn.* Here General Sullivan commanded in person; but he found it difficult to make his troops sustain the first attack. The firing towards Bedford had disclosed to them the alarming fact, that the British had turned their left flank, and were getting into their rear. Perceiving, at once, their danger, they sought to escape, by regaining the camp with the utmost celerity. The sudden route of this party enabled De Heister to detach a part of his force against that engaged near Bedford. In that quarter, too, the Americans were broken and driven back into the woods, and the front of the column led by General Clinton, continuing to move forward, intercepted and engaged those who were retreating along the direct road from Flatbush. Thus attacked in front and rear, and alternately driven by the British on the Hessians, and by the Hessians on the British, a succession of skirmishes took place in the woods, in the course of which, some parts of corps forced their way through the enemy, and regained the lines of Brooklyn, and several individuals saved themselves under cover of the forest; but a greater proportion of the detachment was killed or taken. The fugitives were pursued to the American works, and such was the ardour of the British soldiery, that their cautious commander could scarce prevent an immediate assault.

The fire towards Brooklyn gave the first intimation to the American right, that the enemy had gained their rear. Lord Stirling perceived that he could escape only by instantly retreating across the creek, near the Yellow Mills, not far from the cove. Orders to this effect were immediately given, and the more effectually to secure the retreat of the main body of the detachment, he determined to attack, in person, a corps of the British, under Lord Cornwallis, stationed at a house somewhat above the place at which he proposed crossing the creek. About four hundred of Smallwood's regiment were drawn out for this purpose, and the assault was made with great spirit. This small corps was brought several times to the charge, and Lord Stirling was on the point of dislodging Lord Cornwallis, when the force in his front increasing, and General Grant also advancing on his rear, he could no longer oppose the superior numbers which assailed him, on every quarter; and the survivors of this brave party, with their general, became prisoners of war. This bold and well judged attempt, though unsuccessful, was not without its advantages; giving an opportunity to a large part of the detachment, to save themselves by crossing the creek.

The loss sustained by the American army on this occasion was considerable, but could not be accurately ascertained. Numbers were supposed to

* General Howe's Letter.

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have been drowned in the creek, or suffocated in the marsh; and exact accounts from the militia could not be procured. General Washington did not admit it to exceed a thousand men, but in this estimate he could only have included the regular troops. General Howe states the prisoners to have amounted to one thousand and ninety-seven, among whom were Major-general Sullivan, and Brigadiers Lord Stirling, and Woodhull, by him named Udell. He computes the loss of the Americans at three thousand three hundred, but this computation is, probably, excessive. He supposes too, that the troops engaged on the heights, amounted to ten thousand; but it is impossible they could have much exceeded half that number. His own loss, he states at twenty-one officers, and three hundred and forty-six privates killed, wounded, and taken.

As the action became warm, General Washington passed over to the camp at Brooklyn, where he saw with inexpressible anguish, the destruction in which his best troops were involved, and from which it was impossible to extricate them. He could direct his efforts only to the preservation of those which remained.

Believing the Americans to be much stronger than they were in reality, and unwilling to commit any thing to hazard, General Howe made no immediate attempt to force their lines. He encamped in front, and on the twenty-eighth, at night, broke ground in form, within six hundred yards of a redoubt on the left.

VIII. Successful resistance to the victorious enemy being now hopeless, and the American troops, lying in the lines without shelter from the heavy rains, becoming daily more dispirited, the resolution was taken to withdraw the army from Long Island. This difficult movement was effected on the night of the 28th, with such silence and despatch, that all the troops and military stores, with a greater part of the provisions, and all the artillery except some heavy pieces, which, in the state of the roads, could not be drawn, were carried over in safety. Early the next morning, the British outposts perceived the rear-guard crossing the East river, out of reach of their fire. If the attempt to defend Long Island, so disastrous in its issue, impeach the judgment of the commander-in-chief, his masterly retreat, justly, added to his reputation among military men.

IX. But the effect of this defeat was most injurious to the American cause. It took from the troops the confidence which preceding events had created, and planted in its place, a dread of the enemy, to whom the perfection of military skill was now ascribed.

In a letter from General Washington to Congress, the state of the army, after this event, was thus feelingly described. "Our situation is truly distressing. The check our detachment sustained on the 27th ultimo, has dispirited too great a proportion of our troops, and filled their minds with apprehension and despair. The militia, instead of calling forth their utmost efforts to a brave and manly opposition, in order to repair our losses, are dismayed, intractable, and impatient to return. Great numbers of them have gone off, in some instances, almost by whole regiments, in many, by half ones, and by companies at a time. This circumstance of itself, independent of others, when fronted by a well appointed enemy, superior in number to our whole collected force, would be sufficiently disagreeable: but when it is added, that their example has infected another party of the army; that their want of discipline, and refusal of almost every kind of restraint and government, have rendered a like conduct but too common in the whole; and have produced an entire disregard of that order and subordination necessary for the well doing of an army, and which had been before inculcated as well as the nature of our military establishment would admit; our condition

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is still more alarming, and with the deepest concern I am obliged to confess my want of confidence in the generality of the troops.

"All these circumstances fully confirm the opinion I ever entertained, and which I, more than once, in my letters, took the liberty of mentioning to Congress; that no dependance could be put in a militia, or other troops than those enlisted and embodied for a longer period than our regulations have hitherto prescribed. I am persuaded, and am as fully convinced as of any one fact that has happened, that our liberties must, of necessity, be greatly hazarded, if not entirely lost, if their defence be left to any but a permanent army.

"Nor would the expense incident to the support of such a body of troops, as would be competent to every exigency, far exceed that which is incurred by calling in daily succours, and new enlistments, which when effected, are not attended with any good consequences. Men who have been free, and subject to no control, cannot be reduced to order in an instant; and the privileges and exemptions they claim, and will have, influence the conduct of others in such a manner, that the aid derived from them is nearly counterbalanced by the disorder, irregularity, and confusion they occasion."

The frequent remonstrances of the commander-in-chief, the opinions of all military men, and the severe correcting hand of experience, at length, produced their effect on the government of the union; and soon after the defeat on Long Island, it had been referred to the committee composing the board of war, to prepare a plan of operations for the next succeeding campaign. Their report, which was adopted, proposed a permanent army to be enlisted for the war, and to be composed of eighty-eight battalions, to be raised by the several states in proportion to their ability.* As inducements to enlist, a bounty of twenty dollars was allowed to each recruit, and small portions of vacant lands promised to every officer and soldier."†

X. Lord Howe, in his character of commissioner, sought, immediately, to avail himself of the impression, which he supposed the victory of the twenty-seventh might have made on Congress. For this purpose, General Sullivan was sent on parole, to Philadelphia, with a verbal message, purporting, that though his lordship could not, at present, treat with Congress as a political body, yet he was desirous to confer with some of its members, as private gentlemen, and to meet them at such place as they would appoint: That, with General Howe, he had full powers to compromise the dispute between Great Britain and America; the obtaining of which had delayed him near two months in England, and prevented his arrival at New York before the declaration of independence: That he wished a compact to be settled; at this time, when no decisive blow was struck, and neither party could feel compulsion to enter into an agreement: That, if Congress were disposed to treat, many things which they had not yet asked, might, and ought to be, granted; and that if, upon conference, there should be a probability of accommodation, the authority of Congress would be recognised, as indispensable to the completion of the compact.

This proposition was embarrassing. Absolute rejection might give colour to the opinion, that, if independence were waved, restoration of the ancient connexion, on principles, formerly deemed constitutional, was practicable;

* New Hampshire 3, Massachusetts 15, Rhode Island 2, Connecticut 8, New York 4, New Jersey 4, Pennsylvania 12, Delaware 1, Maryland 3, Virginia 15, North Carolina 9, South Carolina 6, Georgia 1.—88.

† To a colonel 500 acres, lieutenant-colonel 450, major 400, captain 300, lieutenant 200, ensign 150, and a non-commissioned officer or private 100 acres.

The resolution was afterwards changed so as to give the option to enlist for three years, or during the war. Those enlisting for three years not to be entitled to land.

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whilst to enter upon negotiation under existing circumstances might impair confidence, in the determination of Congress, to maintain the independence they had declared. The difficulty was, in a measure, surmounted by the reply, "that Congress, being the representatives of the free and independent states of America, could not, with propriety, send any of its members to confer with his lordship in their private characters; but, that ever desirous of establishing peace upon reasonable terms, they would send a committee of their body, to know whether he had authority to treat with persons authorized by Congress for that purpose, on behalf of America; and what that authority is; and to hear such propositions as he shall think proper to make respecting the same." General Washington was, at the same time, instructed, that no proposition for peace ought to be regarded, unless made in writing, and addressed to the representatives of the United States in Congress, or to persons authorized by them; and that if application were made to him, on the subject, by any of the British commanders, he should inform them, that the United States having entered into the war, only, for the defence of their lives and liberties, would cheerfully agree to peace on reasonable terms, whenever it should be so proposed to them. These resolutions had the appearance of maintaining independence, without making it the condition of peace.

Dr. Franklin, John Adams, and Edward Rutledge, the committee of Congress, met Lord Howe on Staten Island. The conference was fruitless. The committee, in their report, gave a summary of its matter, saying, "It did not appear, that his lordship's commission contained any other authority than that expressed in the act of Parliament; namely, that of granting pardons, with such exceptions as the commissioners should think proper to make; and of declaring America, or any part of it, to be in the King's peace on submission: for as to the power of inquiring into the state of America, which his lordship mentioned to us, and of conferring and consulting with any persons the commissioners might think proper, and representing the result of conversation to the ministry, who, provided the colonists would subject themselves, might, after all, or might not, at their pleasure, make any alterations in the former instructions to governors, or propose, in Parliament, any amendment of the acts complained of; we apprehended any expectation from the effect of such a power, would have been too uncertain and precarious to be relied on by America, had she still continued in her state of dependence."

XI. A council of war, convoked by Washington, resolved to act on the defensive, and not to risk the army for the state of New York; but a middle line between abandonment and defence, was, for a short time, adopted. The public stores were removed to Dobb's Ferry, about twenty-six miles from New York. Twelve thousand men were ordered to the northern extremity of York Island, and four thousand five hundred returned for the defence of the city: the remainder occupied the intermediate space, with directions to support the city or the camp, at King's Bridge, as exigencies might require. As it was impossible to determine where the British would attempt to land, it was necessary, pursuant to the system of procrastination, and the determination to gain time to raise works for defence at various points. At length, (September 12th) another council of war directed the abandonment of the city. General Mercer, who commanded the flying camp on the Jersey shore, also, moved up the North river, to a post opposite Fort Washington.

On the fifteenth General Howe commenced to land his forces, under cover of some ships of war, on the East river, between Kipp's and Turtle Bays. The works, at this point, were capable of defence for some time; but the troops, stationed in them, terrified at the fire from the ships, abandoned them without waiting an attack, and fled with precipitation. When the cannonade

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had commenced, the brigades of Generals Parsons and Fellows were put in motion, and marched to the support of the lines, and General Washington, himself, rode towards the scene of action. The panic of the fugitives, from the works, was communicated to the advancing troops, and the commander-in-chief, had the extreme mortification to meet the whole retreating in the utmost disorder, despite the great efforts of their generals to check the disgraceful flight; and whilst he, himself, attempted to rally them, a small corps of the enemy coming in sight, they again broke and fled in the utmost confusion. The usually firm and equable mind of this admirable man, seems, on this occasion, to have been swayed by a gust of natural passion; and for the first, and perhaps, the only time, he despaired of the cause in which he had embarked his fortune, his life, and his fame. In the rear of his dastardly troops, with his face to the enemy, he appeared willing to bury the pangs of the present, and the dreaded infamy of the future, in an honourable grave. His aids and friends, who surrounded his person, by indirect violence, compelled him to retire, and preserved a life, perhaps, indispensable to the independence of his country.*

The only part remaining to be taken after this dereliction, was to withdraw the few remaining troops from New York, and to secure the posts on the heights. For the latter purpose, the lines were instantly manned, but no attempt was made on them. The retreat from New York was effected with an inconsiderable loss of men, in a skirmish at Bloomingdale; but all the heavy artillery, and a large portion of the baggage, provisions, and military stores, were unavoidably abandoned. No part of this loss was more severely felt, than that of the tents. In this shameful day, one colonel, one captain, three subalterns, and ten privates, were certainly killed; one lieutenant-colonel, one captain, and one hundred and fifty-seven privates were missing. The conduct of the troops on this occasion, calls for remarks which are alike applicable to the prior and subsequent armies of the United States. They had not the experience which teaches the veteran to do his duty, wherever he may be placed; in the assurance, that others will likewise do theirs; and to rely, that those who direct the whole will not expose him to useless hazard nor neglect those precautions which the safety of the whole may require.†

Unfortunately, there existed in many parts of the army, other causes beside the shortness of the terms of enlistment, and the inefficiency of the militia, which prevented the acquisition of these military sentiments. In New England, whence the war had been principally supported, the zeal excited by the revolution had taken such a direction, as in a great measure to abolish those distinctions between the platoon officers and the soldiers, which are indispensable to the formation of an efficient army. Many of these officers, here, as in other parts of the union, were elected by the men, and were, consequently, disposed to associate with them on the footing of equality. In some instances, those were chosen who had agreed to put their pay in common stock with that of the soldiers, and to divide equally with them. It is not cause of wonder, that among such officers, the most disgraceful and unmilitary practices should sometimes prevail; nor that privates should fail in respect, sub-

* Ramsay's American Revolution, vol. i. p. 392. Mr. Marshall does not notice, to affirm or deny, this statement of Mr. Ramsay. If the suppression have been made for the purpose of aggrandizing the hero of the biographer, it is reprehensible.—The office of apotheosis belongs to the poet or the slave. It is above or below the historian. And no human character can suffer less, from full disclosure, than that of General Washington. Such shades, as this, are but the foil of the brilliant, serving to perfect its lustre. Such instances of weakness, improve the exemplar which his life affords. Were it marked by unvarying wisdom, it would be rejected in despair, as unattainable.

† Marshall's Washington, vol. ii. 434.

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ordination, and obedience. Orders of this period show, that several officers of inferior grade were not themselves exempt from the general spirit of pillage, which then disgraced the American troops.*

Having possessed himself of the city, (15th September, 1776,) the British general stationed a few troops in the town, and with the main body of the army encamped near the American lines. His right was at Horen's Hook, on the East river, and his left reached the North river, near Bloomingdale, so that his encampment extended quite across the island, here, about two miles wide, and his flanks were both covered by his ships. The strongest point of the American lines was at King's Bridge, preserving their communication with the continent. They also occupied in considerable force, M'Gowan's Pass, and Morris' Heights, which were fortified and rendered capable of defence against superior numbers. On the heights of Haerlem, still nearer the British lines, within a mile and a half of them, a strong detachment was posted in an intrenched camp.

The present position of the armies favoured the wishes of the American commander, to habituate his soldiers by a series of successful skirmishes, to meet the enemy in the field. Opportunities for this purpose were not long wanting. The day after the retreat from New York, the British appeared in considerable force in the plains between the camps. Washington ordered Colonel Knowlton of the volunteer corps of New England rangers, and Major Leitch with three companies of the third Virginia regiment, which had joined the army only the preceding day, to endeavour to get into their rear, whilst he amused them with demonstrations of an attack in front. The plan was successful; the British advanced eagerly to an advantageous position in front, and a firing commenced, but at too great a distance for execution. In the mean time, Colonel Knowlton, unacquainted with their new position, made his attack rather on their flank, than their rear. Very soon, Major Leitch, who had gallantly led the detachment, was brought off the ground mortally wounded, and not long afterwards, Colonel Knowlton also fell, bravely fighting at the head of his troops. Not discouraged by the loss of their field officers, the captains maintained their ground, and continued the action with great animation. The British were reinforced, and General Washington ordered on detachments from the adjacent regiments of New England and Maryland. The Americans thus strengthened, charged the enemy, drove them from the woods into the plains, and were pressing them still further, when the general apprehending the approach of a large body of the foe, recalled his troops to their entrenchments. In this sharp conflict, many who had so disgracefully fled on the preceding day, now, with much inferior force, had engaged a battalion of light infantry, another of Highlanders, and three companies of Hessian riflemen, sustaining a loss in killed and wounded of not more than fifty men, whilst the British lost more than double that number. The effect of this first success of the campaign, was visible upon the spirits of the men, restoring them in some measure to their own esteem.

The armies did not long retain their position. General Howe, sensible of the strength of the American camp, had no inclination to force it. His plan was, to compel General Washington either to abandon it, or to fight in a position, where defeat would result in a total destruction of his army. With this view, after throwing up intrenchments on M'Gowan's Hill, for the protection of New York, he proposed to gain the rear of the American camp, and to possess himself of the North river, above King's Bridge. To ascertain the practicability of the latter, three frigates passed up, under the fire of

* Marshall's Life of Washington, vol. ii. 434.

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Forts Washington and Lee, without injury from the batteries, or impediment from the *chevaux-de-frise*, which had been sunk in the channel, between those forts. This point being attained, the greater part of his army passed through Hellgate, into the Sound, and landed on Frog's Neck, in West Chester county, about nine miles from the camp, on the heights of Haerlem.* He continued here some days, quietly waiting for his artillery, military stores, and reinforcements, from Staten Island, which were detained by unfavourable winds.

XII. In the mean time, General Lee arrived,† from his late successful command, to the southward; and finding a disposition prevalent among the officers of the American army, to continue on York Island, he induced the call of a council of war, to consult on its propriety. He urged its entire relinquishment—dwelling upon the impracticability of stopping the ascent of the enemy's ships, upon the river, the possession of Frog's Neck, on the Sound, by the British, the absolute impossibility of preserving the communication with the country, and the imminent danger that the army must fight under disadvantages, or become prisoners of war. His views, so far as they regarded the army, were adopted; but unfortunately, the representations of General Greene prevailed, in relation to Fort Washington, the occupation of which, he contended, would divert a large portion of the enemy's force from the main body, and in conjunction with Fort Lee, would cover the transportation of supplies, up the river, for the service of the American troops. He further represented, that the garrison could be brought off, at any time, by boats from the Jersey shore.

XIII. On the 18th of October, General Howe moved forward his whole army, except four regiments destined for New York, towards New Rochelle. Some skirmishing took place, near East Chester, with part of Glover's brigade, in which the conduct of the Americans was courageous. As Howe took post at New Rochelle, Washington occupied the heights between it and the North river. The British general received here, the second division of Germans, under General Knyphausen, and an incomplete regiment of cavalry, from Ireland. Both armies now moved towards the White Plains, a strong piece of ground, where a large camp had been marked out, and occupied by a detachment of militia, sent to guard some magazines there collected. The main body of the Americans formed a long line of entrenched camps, extending from twelve to thirteen miles, on the heights from Valentine's Hill, near King's Bridge, to the White Plains; fronting the British line of march, and the Brunx, which lay between them, so as to collect in full force at any point, as circumstances might require. While the British army lay about New Rochelle, Major Rodgers, with his regiment (of tories), was advanced eastward towards Mamoraneck, on the Sound, where he was believed to be covered by the position of the other troops. An attempt was made to surprise him in the night; but it was not wholly successful. About sixty of his corps were killed or taken, with a loss to the Americans of two killed, and eight or ten wounded; among the latter, was Major Green, of Virginia, a brave officer, who led the advance, and who received a ball through his body. Not long after, a regiment of Pennsylvania riflemen, under Colonel Hand, fell in with and engaged an equal number of Hessian chasseurs, over whom they obtained some advantage.

The caution of the English general was increased by these evidences of enterprise in his adversary. His object seems to have been to avoid skirmishing, and to bring on a general action, if that could be effected under favourable circumstances; if not, he knew too well, the approaching dissolu-

* October 12th, 1776. † October 14th.

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tion of the American army, and calculated, not without reason, on deriving from that event nearly all the advantages of a victory. He proceeded therefore slowly. His marches were in close order, his encampments compact, and well guarded with artillery; and the utmost circumspection was used not to expose any part which might be vulnerable.*

As the sick and baggage reached a place of safety, General Washington gradually drew in his out-posts, and took possession of the heights on the east side of the Brunx fronting the head of the British columns. He was there joined by General Lee, who, after securing the sick and the baggage, had, with considerable address, brought up the rear division of the army.

General Washington was encamped on high, broken grounds, with his right flank covered by the Brunx, which also covered the front of his right wing, extending along the road on the east side of that river, towards New Rochelle, as far as the brow of the hill where his centre was posted. His left, forming almost a right angle with his centre, and nearly parallel to his right, extended along the hills northwardly, so as to keep possession of the commanding ground, and secure a retreat should it be necessary, from the present position, to one still more advantageous in his rear.

On the right of the army, and on the west side of the Brunx, about one mile from the camp, on the road leading from the North river, was a hill, of which General M'Dougal took possession, for the purpose of covering the right flank. His detachment consisted of about sixteen hundred men, principally militia; and his communication with the main army was perfectly open; that part of the river being every where passable, without difficulty. Hasty intrenchments were thrown up to strengthen every part of the lines, and to make them as defensible as possible.

On the 25th of October, General Howe, who had advanced from New Rochelle and Mamaroneck, prepared to attack General Washington in his camp. Early in the morning, the British approached in two columns, the right commanded by Sir Henry Clinton, and the left by General Knyphausen, accompanied by General Howe, in person. Their advanced parties having encountered, and driven in the patroles, their van appeared, about ten o'clock, in full view of the American lines; a cannonade commenced, without much execution, on either side. The British right formed behind a rising ground, about a mile in front of the American camp, and extended from the road leading from Mamaroneck, towards the Brunx; so that it was opposed to the centre of the American army.

On viewing General Washington's situation, Howe determined to possess himself of the hill occupied by M'Dougal. He directed Colonel Rawle, with his corps of Hessians, to cross the Brunx, and by a circuit, to gain a position from which he might annoy the right flank of M'Dougal, while Brigadier-general Leslie, with the second brigade of British troops, the Hessian grenadiers under Colonel Donop, and a Hessian battalion, should attack him in front. When Rawle had gained the designated position, the detachment under Leslie also crossed the Brunx, and commenced a vigorous attack on the Americans.† The militia immediately fled; but the regulars behaved with great gallantry. Colonel Smallwood's regiment of Maryland, and Colonel Reitzimar's of New York, advanced boldly towards the foot of the hill to meet Leslie; but after a sharp encounter, were overpowered by numbers, and compelled to retreat. Leslie then attacked the remaining part of M'Dougal's forces, consisting of his own brigade, the Delaware battalion, and a small regiment of Connecticut militia. They were soon driven from

* Annual Register. † General Howe's letter.

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the hill, but kept up, for some time, an irregular fire from the stone walls, and other enclosures about the scene of action. General Putnam, with Beal's brigade, was ordered to support them; but not arriving while they were in possession of the hill, he deemed it improper to attempt to regain it, and the troops retreated to the main army.

In this engagement, which, during its continuance, was very animated on both sides, the loss was supposed to have been about equal. That of the Americans was between three and four hundred in killed, wounded, and taken. Colonel Smallwood was among the wounded.

General Washington continued in his lines, expecting to be attacked. His sick and baggage were removed into his rear. But a considerable part of the day having been spent in gaining the hill, which had been occupied by M'Dougal, all attempts on his intrenchments were postponed until the next morning; and the whole British army lay on their arms the following night, in order of battle, and on the ground they had taken during the day.

This interval was employed by General Washington in strengthening his works, removing his sick and baggage, and preparing, by changing the arrangement of his troops, for the expected attack. His left maintained its position, but his right was drawn back to stronger ground. Perceiving this, and unwilling to leave any thing to hazard, Howe resolved to postpone further offensive operations, until Lord Percy should arrive with four battalions from New York, and two from the post at Mamaroneck. This reinforcement was received on the evening of the 30th, and preparations were then made to attack the American intrenchments the next morning. In the night and during the early part of the succeeding day, a violent rain fell, which induced a further postponement of the assault.* The provisions and heavy baggage being now removed, and apprehensions being entertained, that the British general, whose left wing extended along the height taken from M'Dougal, to his rear, might turn his camp, and occupy the post to which he designed to retreat, if an attempt on his lines should terminate unfortunately, General Washington changed his position in the night, and withdrew to the heights of North Castle, about five miles from White Plains. At the same time he detached Beal's brigade to take possession of the bridge on Croton river, a few miles in his rear, and over which is the road leading up the Hudson.

This position was so strong, that an attempt to force it was deemed imprudent. General Howe, therefore, gave a new direction to his efforts.†

XIV. The anxiety to preserve, if possible, the navigation of the Hudson, above King's Bridge, had induced the American general to maintain the posts of Forts Washington and Lee, on either side of that river. They essentially checked the movements of General Howe, who justly deemed the complete possession of York Island an object of too much importance to be longer neglected. He, therefore, directed General Knyphausen to cross the country from New Rochelle, and to take possession of King's Bridge, where a small party of Americans were stationed in Fort Independence. This was effected without opposition;—the Americans retiring to Fort Washington, and Knyphausen encamping between that place and King's Bridge.

In the mean time, Howe broke up his camp at White Plains, and marched to Dobbs' Ferry, whence he retired slowly down the North river, towards King's Bridge. The American general was immediately aware of the design against Fort Washington, and the Jerseys; but, apprehending that his adversary might return suddenly, and endeavour by a rapid movement, to execute the original plan of getting in his rear, he observed great caution,

* General Howe's letter. † Ibid.

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and maintained his position, until assured that the movement towards King's Bridge, was not a feint.

On the movement of the British army towards New York, General Washington perceived the neccessity of throwing a part of his troops into New Jersey, should Howe design to change the scene of action. A council of war, therefore, was immediately called, (November 6th,) which determined, unanimously, should Howe continue his march, that all the troops raised on the west side of the Hudson, should cross that river, to be afterwards followed, if necessary, by those raised on the eastern part of the continent; and that, for the preservation of the highlands, about the North river, three thousand men should be stationed at Peck's-kill, and in the passes of the mountains.

General Washington addressed a letter to Governor Livingston, advising him of the movement then making, and expressing a decided opinion that General Howe would not content himself with investing Fort Washington, but would invade the Jerseys. He urged the governor to put the militia in condition to reinforce the continental army, and to take the place of the new levies, a term designating a body of men between militia and regulars, raised to serve until the first of December, who could not be depended on to continue with the army one day longer than the time for which they were engaged. He also pressed, very earnestly, the removal of all the stock, and other provisions, of which the enemy might avail himself, from the sea-coast, and the neighbourhood of New York.

Immediate intelligence of this movement was likewise given to General Greene, who commanded in the Jerseys; and his attention was particularly pointed to Fort Washington. He was advised to increase his magazines about Princeton, and to diminish those near New York; as experience had demonstrated the difficulty of removing them on the advance of the enemy. Some apprehension was also entertained, that Howe would attempt to cross at Dobbs' Ferry, and envelop the troops about Fort Lee, as well as those in Fort Washington. Of this, too, General Greene was advised, and thereupon drew in his parties from about Amboy, and posted a body of troops on the heights to defend the passage at Dobbs' Ferry.

On the 13th of November, General Washington crossed the North river, with the selected portion of the army, leaving the eastern regiments under the command of General Lee, with orders, also, to cross the river, should General Howe effect it; but in the mean time, to assume the strong grounds, behind the Croton, at Pine Bridge.

Discretionary orders had been given to General Greene, to abandon Fort Washington, but which, for the reasons already stated, he delayed to execute. This fort was on a high piece of ground, near the North river, very difficult of ascent, especially, on the northern side. It was capable of containing about a thousand men; but the lines and out-works, chiefly on the southern side, were drawn quite across the island. The position was naturally strong, the approaches difficult, and the fortifications, though not sufficient to resist heavy artillery, were believed capable of sustaining any attempt at storm. The garrison containing some of the best troops of the American army, was commanded by Colonel Magaw, a brave and intelligent officer.

General Howe, who had retired slowly from the White Plains, encamped at a small distance from King's Bridge, on the heights of Fordham, with his right towards the North river, and his left on the Brunx. Detachments from his army having previously taken possession of the ground about West Chester, works were erected at Haerlem creek, to play on the opposite works of the Americans, and every preparation being made for an assault,

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the garrison was summoned (on the 15th of November,) to surrender on pain of being put to the sword. Colonel Magaw replied, that he should defend the place to the last extremity. The summons was immediately communicated to General Greene, at Fort Lee, and by him to the commander-in-chief, then at Hackensack. He immediately rode to Fort Lee, and though late in the night, was proceeding to Fort Washington, where he expected to find Generals Putnam and Greene, when, in crossing the river, he met those officers, returning from visiting that post. They reported that the garrison was in high spirits, and would make a good defence; on which, he returned with them to Fort Lee.

Early next morning, Colonel Magaw posted his troops partly in the outermost lines, partly between those lines, on the woody and rocky heights, fronting Haerlem river, where the ground being extremely difficult of ascent, the works were not closed; and partly on a commanding hill, lying north of the fort. Colonel Cadwalader, of Pennsylvania, commanded in the lines, Colonel Rawlings, of Maryland, on the hill towards King's Bridge, where his regiment of riflemen was posted among trees, and Colonel Magaw, himself, in the fort.

The strength of the place did not deter the British general from attempting to carry it by storm. A desire to save time, at this late season of the year, was the principal inducement to this determination. About ten o'clock, the assailants appeared before the works, and moved on to the assault in four quarters. Their first division, consisting of two columns of Hessians and Waldeckers, amounted to about five thousand men, under the command of General Knyphausen, advanced on the north side of the fort against the hill where Colonel Rawlings commanded, who received them with great gallantry. The second, on the east, consisting of the first and second battalions of British light infantry, and two battalions of guards, was led on by Brigadier-general Mathews, supported by Lord Cornwallis, at the head of the first and second battalions of grenadiers, and the thirty-third regiment. These troops crossed Haerlem river, in boats, under cover of the artillery planted in works which had been erected for the purpose, on the opposite side of the river, and landed within the third line of defence, which crossed the island. The third division was conducted by Lieutenant-colonel Stirling, who passed the river higher up; and the fourth, by Lord Percy, accompanied by General Howe, in person. This division was to attack the lines in front, on the south side.*

The attacks on the north, and south, by General Knyphausen, and Lord Percy, were made about the same instant on Colonels Rawlings and Cadwalader, who maintained their ground for a considerable time; but while Colonel Cadwalader was engaged in the first line against Lord Percy, on the south, the second and third divisions, which had crossed Haerlem river, made good their landing, and soon dispersed the troops fronting that river, as well as a detachment sent by Colonel Cadwalader, to support them. These being overpowered, he deemed it necessary to abandon the lines, and a retreat was commenced towards the fort, which, being conducted with confusion, a part of his men were intercepted by the division under Colonel Stirling, and made prisoners. The resistance on the north, was conducted with more courage, and was of longer duration. Rawlings maintained his ground with firmness, and his riflemen did vast execution. A three gun battery, north of the fort, also played on Knyphausen, with much effect. The Germans were repulsed several times with great loss; and, had every other part of the action been equally well maintained, the assailants, if ulti-

* General Howe's letter.

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mately successful, would have had much reason to deplore their victory. At length, by dint of perseverance and numbers, the Hessian columns gained the summit of the hill; after which, Colonel Rawlings, perceiving the danger which threatened his rear, retreated under the guns of the fort.

Having carried the lines, and all the strong ground adjoining them, the British general again summoned Colonel Magaw to surrender. While the capitulation was progressing, General Washington sent him a billet, requesting him to hold out until the evening, when he would endeavour to bring off the garrison; but Magaw had already proceeded too far to retract; and it is probable the place could not have resisted an assault from so formidable a force as threatened it on every side. The most essential difficulties had been overcome: the fort was too small to contain all the men; and their ammunition was nearly exhausted. Under these circumstances, the garrison surrendered prisoners of war.

The loss on this occasion was the greatest the Americans had sustained. The garrison was stated by General Washington, at about two thousand men; yet, in a report published as from General Howe, the number of prisoners is stated at two thousand six hundred, exclusive of officers. Either General Howe must have included in his report, persons who were not soldiers, or General Washington, in his letter, must have comprised only the regulars. The last conjecture is most probably correct. The loss of the assailants is variously stated, at from eight to eleven hundred men. It fell heaviest on the Germans.

XV. The surrender of Fort Washington, induced a determination to evacuate Fort Lee; and a removal of the stores to the interior of Jersey, immediately, commenced. But on the 19th of November, before this could be completed, a detachment of the enemy, commanded by Lord Cornwallis, amounting to about six thousand men, crossed the North river, below Dobbe' Ferry, and endeavoured by a rapid march, to enclose the garrison between the Hudson and the Hackensack rivers. The safety of the garrison required its instant withdrawal from the narrow neck of land, which was with great difficulty effected, by a bridge over the latter river. With Fort Lee, all the heavy cannon, except two twelve pounders, together with a large quantity of provisions and military stores, fell into the hands of the enemy. The want of wagons rendered this loss inevitable.

After crossing the Hackensack, General Washington posted his troops along the western bank; but he could not defend it with an army of only three thousand effectives, exposed, without tents, to the inclement season which already prevailed, in a level country without an entrenching tool, and among people no wise zealous for the American cause; and being still enclosed by two rivers, the Hackensack and Passaic, his position was, thereby, rendered more dangerous. This gloomy condition was not cheered by the prospect of the future. No reliance could be placed on reinforcements from any quarter. The general made every exertion to collect an army, and in the mean time to impede, as much as possible, the progress of the enemy. General Carleton having retired from before Ticonderoga, he directed General Schuyler to hasten to his assistance, the troops of Pennsylvania and New Jersey. But the march was long, their term of service nearly expired, and they refused to re-enlist. General Lee was directed to cross the North river, and hold himself in readiness, if the enemy should continue the campaign, to join the commander-in-chief; but his army, too, from the same fatal cause, was melting away, and would soon be totally dissolved. General Mercer, who commanded part of the flying camp stationed about Bergen, was called in, but these troops had engaged to serve, only, until the first of December, and like other six months' men, had abandoned the army in great

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numbers. No hope existed of retaining the remnant, after they should possess a legal right to depart.

Under these circumstances, no serious design could be entertained of defending the Hackensack. A show of resistance was momentarily preserved, with a view of covering the few stores which could be removed. General Washington, with Beal's, Heard's, and part of Irvine's brigades, crossed at Acquackanonck Bridge, and took post at Newark, on the south side of the Passaic. Soon after he had marched, Major-general Vaughan, at the head of the British dragoons, grenadiers, and light infantry, appeared before the new bridge over Hackensack, and the American detachment in the rear being wholly unable to defend it, could only break it down, and retire before him over the Passaic.

General Washington having entered the open country, halted for a few days, to endeavour to collect such a force, as might preserve the semblance of an army. The better to effect this, he despatched General Mifflin to Pennsylvania, where he possessed great influence, and Colonel Joseph Reed, his adjutant-general, long known and highly valued in New Jersey, to Governor Livingston, to press upon him the absolute and immediate necessity of making further exertions to prevent the whole state from being overrun.

In this perilous state of things, he found it necessary to detach Colonel Forman of the New Jersey militia, to suppress an insurrection which threatened to break out in the county of Monmouth, where great numbers were well disposed to the royal cause. Nor was this the only place from which there was reason to expect the enemy might derive aid. Such an indisposition to further resistance began to be manifested throughout the state, as to excite serious fears respecting the conduct which might be observed when Lord Cornwallis should penetrate further into the country.*

Unable to make effective resistance, as the British crossed the Passaic, General Washington abandoned his position behind it; and on the 28th of November, as Lord Cornwallis entered Newark, he retreated thence to Brunswick. The time had now come, (December 1,) when the Maryland and Jersey levies in the flying camp, became entitled to their discharge, and he had the extreme mortification to behold his small army, still more enfeebled by the abandonment of these troops almost in sight of an advancing enemy. The Pennsylvania militia of the same class had engaged to serve until the first of January; but so many of them deserted, that it became necessary to place guards on the roads and ferries over the Delaware to apprehend the fugitives.

From New Brunswick, the commander-in-chief, again, urged upon Governor Livingston, that the intention of the enemy was, to pass through New Jersey to Philadelphia, and that some efficacious measures should be adopted to call out the strength of the state to his support, and its own defence. But it was not in the power of the governor to furnish the aid required. The Legislature, which had removed from Princeton to Trenton, and from Trenton to Burlington, had now adjourned, and the members had returned to their homes to protect their own more peculiar interests. The well affected part of the middle counties was overawed by the British army. The lower counties were haunted by tories, or paralyzed by their non-combatting Quaker population, and the militia of Morris and Sussex turned out slowly and reluctantly.† Washington, also, again urged General Lee to hasten to his assistance.

The troops were continued in motion for the purpose of concealing their weakness, and of retarding the advance of Cornwallis, by creating an opinion

* Marshall, Wash. Lett. † Ibid.

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that the Americans meditated to attack him; but as the British van came in view, and approached the opposite side of the bridge, he was compelled to quit New Brunswick. Leaving Lord Stirling in Princeton with two brigades from Virginia and Delaware, amounting to twelve hundred men, to watch the enemy, he continued his march with the residue of the army to Trenton. Directions had already been given to collect and place under sufficient guard, all the boats on the Delaware, from Philadelphia upwards, for seventy miles, so that a hope might be reasonably entertained that the progress of the enemy would be stopped at this river; and that in the mean time, reinforcements might arrive, which would enable him to dispute its passage. Having, with great labour, transported the few remaining military stores and baggage over the Delaware, he determined to remain as long as possible with the small force which still adhered to him on the northern banks of that river.*

This retreat into, and through New Jersey, was attended with almost every circumstance that could embarrass and depress the spirits. It commenced immediately after the heavy loss at Fort Washington. In fourteen days after that event, the whole flying camp claimed its discharge, and other troops also, whose engagements terminated about the same time, daily departed. The two Jersey regiments which had been forwarded by General Gates, under General St. Clair, went off to a man, the moment they entered their own state. A few officers without a single private, were all of these regiments which St. Clair brought to the commander-in-chief. The troops who were with Washington, mostly of the garrison of Fort Lee, were without tents, blankets, shoes, and the necessary utensils to dress their provisions. In this situation, the general had the address to prolong a march of ninety miles, to the space of nineteen days. During his retreat, scarce an inhabitant joined him, whilst numbers daily flocked to the royal army, to make their peace, and beg protection. On the one side, was a well appointed full clad army, dazzling by its brilliance, and imposing by its success; on the other, a few poor fellows whose tattered raiment but too well justified the *soubriquet* of "ragamuffins," with which the sneering tories reproached them, fleeing for their safety. The British commissioners issued a proclamation commanding all persons assembled in arms against his Majesty's government, to disband and return to their homes; and all civil officers to desist from their treasonable practices, and to relinquish their usurped authority. A full pardon was offered to all, who within sixty days would appear before an officer of the crown, claim the benefit of the proclamation, and subscribe a declaration of his submission to the royal authority. Seduced by this proclamation, not only the ordinary people shrunk from the apparent fate of the country in this its murkiest hour, but the vapouring patriots who sought office and distinction at the hands of their countrymen, when danger in their service was distant, now crawled into the British lines, humbly craving the mercy of *their* conquerors; and whined out, as justification, that though they had united with others, in seeking a constitutional redress of grievances, they approved not the measures lately adopted, and were at all times opposed to independence.†

General Washington having secured his baggage and stores, and finding Cornwallis pause at Brunswick, he, on the 6th of December, detached twelve hundred men to Princeton, in hope, that by appearing to advance, he might not only delay the progress of the British, but in some degree, cover the country and re-animate the people of New Jersey.

XVI. The exertions of General Mifflin, though making little impression

* Marshall.

† Dr. Ramsay has given to political infamy, the names of Galloway and Allen, of Pennsylvania, he might have added those of Tucker, and others, of New Jersey.

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on the state of Pennsylvania at large, were highly successful in Philadelphia. A large proportion of that city, capable of bearing arms, had associated for the defence of the country; and fifteen hundred now marched to Trenton. A German battalion was also ordered by Congress to the same place. On receiving this reinforcement, Washington commenced his march to Princeton; but before he could reach it, he received intelligence that Lord Cornwallis, also, strongly reinforced, was rapidly advancing from Brunswick by different routes to get into his rear. Thus a retreat even across the Delaware, became indispensable.

On the 8th of December, having secured the boats, and broken down the bridges on the roads leading along the Jersey shore, he posted his army on the western bank in such a manner, as to observe the fords by which the enemy must pass. As the American rear guard crossed the river, the British army came in sight. The main body halted at Trenton, whence detachments were thrown out above and below, so as to render uncertain where they might attempt to pass. Small parties, unimpeded by the people of the country, reconnoitred the river for a considerable distance. If the British general as reported, had brought boats with him, it would have been impossible for Washington, with his small force, to prevent the passage. From Bordentown, four miles below Trenton, the Delaware turns westward, and forms an acute angle with its upper course, so that Cornwallis might cross high up and be as near Philadelphia as the American army. For this reason, Washington advised, that lines of defence should be drawn from the Schuylkill about the heights of Springetsbury, eastward to the Delaware, and General Putnam was ordered to superintend them. General Mifflin, who had just returned to camp, was again despatched to the city to take charge of the numerous stores it contained.

Cornwallis made some unsuccessful attempts to seize a number of boats, guarded by Lord Stirling, about Coryell's Ferry; and having repaired the bridges below Trenton, advanced a strong detachment to Bordentown, demonstrating the design of crossing the river at points above and below Trenton, and to march in two columns, directly, to Philadelphia; or completely to envelope the American army.

To counteract this plan, some galleys were stationed, so as to communicate the earliest intelligence of movements below, and to afford aid in repelling an attempt to cross the river, whilst the commander-in-chief made other dispositions to prevent the passage above, which, he believed, the real object of the enemy. Four brigades under Generals Lord Stirling, Mercer, Stephens, and De Fermoy, were posted from Yardley's to Coryell's Ferry, in such manner as to guard every suspicious point of the river, and to assist each other in case of attack. General Irvine, with the Pennsylvania remnant of the flying camp, and some Jersey militia under General Dickenson, were posted from Yardley's down to the ferry opposite Bordentown. Colonel Cadwalader, brother of him taken at Fort Washington, with the Pennsylvania militia, occupied the ground on either side of the Neshaminy as far as Dunk's Ferry, where Colonel Nixon was posted with the third Philadelphia battalion. Precise orders were given to the commanding officer of each detachment for his conduct, directing his route in case he should be driven from his post, and the passes he should endeavour to defend, on his way to the high grounds of Germantown, where the army was to rendezvous if forced from the river.

In the mean time, General Washington continued his exertions to augment his army. Expresses were sent through the counties of Pennsylvania, and to the governments of Delaware and Maryland, urging them to forward their militia without delay. General Mifflin, whose popular eloquence had

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been most serviceable, was again directed to repair immediately to the neighbouring counties, and Congress declared it of the highest importance, that he should make a progress through the state of Pennsylvania, to rouse its freemen to the immediate defence of the city and country; naming a committee to assist him in the good and necessary work. General Armstrong of Pennsylvania, was, at the same time, despatched by General Washington, into that part of the state, where he possessed most influence. In the hope of thus obtaining adequate force, even for offensive operations, General Heath was called from Peck's-kill, and General Gates ordered on with regulars of the northern army.

XVII. Although General Lee had been frequently directed to join the commander-in-chief, he tardily obeyed, manifesting a strong disposition to retain his separate command, and rather to hang on, and threaten the rear of the British army, than to strengthen that in their front. With this view, in opposition to the judgment of Washington, he proposed to establish himself at Morristown. Again urged to march, still declaring his opinion in favour of his own proposition, he proceeded, reluctantly, towards the Delaware. Whilst passing through Morris county, near Baskingridge, at the distance of about twenty miles from the British encampment, he, very indiscreetly, quartered, under a slight guard, in a house about three miles from his troops. Information of this circumstance was given, by a countryman, to Colonel Harcourt, then, with a body of cavalry, watching his movements, who, immediately, formed and executed the design of seizing him. Early in the morning of the twelfth of December, by a rapid march, his corps reached Lee's quarters. The general, receiving no intimation of his approach, until the house was surrounded, became a prisoner, and was borne off in triumph to the British army; where, for some time, he was treated, not as a prisoner of war, but as a deserter from the British service.

This misfortune made a painful impression throughout America. The confidence, originally placed in General Lee, alike due to his experience and talents, had been increased by his success, whilst commanding the southern department, and by the conviction, that his advice, to which was ascribed the operations in New York, which defeated the plans of General Howe, would, if more closely followed, have prevented the losses at Fort Washington and Fort Lee. No officer, save the commmander-in-chief, had so large a share of the confidence of the army and country, and his capture was universally bewailed, as the greatest calamity which had befallen the American arms.

XVIII. General Sullivan, on whom the command devolved after the loss of Lee, promptly obeying the orders which had been given to that officer, joined Washington, by the way of Phillipsburg, on the twentieth of December. On the same day, General Gates arrived with some northern troops. By these and other reinforcements, the American army was augmented to about seven thousand effective men.

Having failed to obtain boats for crossing the Delaware, the British general determined to close the campaign, and retire into winter quarters. About four thousand men were cantoned, on the Delaware at Trenton and Bordentown, at the White Horse and Mount Holly; and the remainder of the army was distributed from that river to the Hackensack. Still, Washington believed, that an attempt to gain Philadelphia would be made, should the ice become sufficiently firm to bear the army. He supposed, also, that one of the objects of General Howe, in covering so large a portion of New Jersey, was to impede the recruiting service. To counteract this, three regiments marching from Peck's-kill, were halted at Morristown, and united with about eight hundred Jersey militia, who had collected at the same place, under Colonel Ford, the whole being placed under the command of General Max-

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well of New Jersey. He had orders to watch the motions of the enemy, to harass their marches, give intelligence of their movements, especially, of such as might be made from Brunswick towards Princeton or Trenton, to keep up the spirits of the militia, and to prevent the inhabitants from going within the British lines, from making their submission, and taking protections.

Whilst these measures were in progress, the commander-in-chief laboured to impress upon Congress, the necessity of still further exertions to form a permanent army, particularly, to increase the cavalry, artillery, and engineers, and, also, to enlarge his own powers, which were incompetent to many cases that daily occurred. The moment was certainly one of fearful interest. The existing army, except a few regiments from Virginia, Pennsylvania, Maryland, and New York, affording an effective force of about fifteen hundred men, would dissolve in a few days. New Jersey had, in a great measure, submitted, and the militia of Pennsylvania had not displayed the alacrity which had been expected; and should the frost bridge the Delaware, it was to be dreaded, that General Howe would seize Philadelphia, and that its capture might induce the belief, that the contest had become desperate.

XIX. But even this deepest gloom had its ray of hope,—the first beam of a rising sun of unparalleled brightness. In the dispersed situation of the British army, General Washington perceived the opportunity of striking a blow which might retrieve the holy cause, in the public opinion, and recover the ground he had lost. He formed the daring plan of attacking, at the same instant, all the British posts on the Delaware. If successful in whole or in part, he would erase the impression made by his losses and retreat, would compel his adversary to compress himself so, as no longer to cover New Jersey, and would remove from Philadelphia the imminent danger which threatened it. The merit of having originally suggested this attack, may, according to Dr. Gordon, be claimed for General Joseph Reed.*

Washington proposed to cross the river, in the night, at M'Konky's Ferry, about nine miles above Trenton, with four thousand troops, under his own immediate command, assisted by Generals Sullivan and Greene, and Colonel Knox, of the artillery; to march down in two divisions, one by the river, and the other by the Pennington road, both leading to the town,—and that they might reach their destination by five o'clock of the next day, to pass them over the river by twelve o'clock. General Irvine was directed to cross at the Trenton Ferry, and to secure the bridge below the town, to prevent the escape of any part of the enemy by that road; and General Cadwalader to pass at Dunks' Ferry, and carry the post at Mount Holly. It had been designed to unite the troops engaged in fortifying the city of Philadelphia, with those of Bristol, and to place them under the command of General Putnam; but there were such indications, in that city, of an insurrection in favour of the royal cause, that it was deemed unsafe to withdraw them.

The weather, on the night of the twenty-fifth of December, was very severe; mingled snow, hail, and rain, fell in great quantities, and so much ice was made in the river, that, the division passing at M'Konky's Ferry could not be gotten over, before three o'clock, and it was near four, before the line of march could be taken up. As the distance by either road to Trenton was the same, it was supposed that each column would arrive there about the same time. Orders were, therefore, given to attack at the instant of arrival, and after driving in the out-guards, to press rapidly after them into the town, so as to prevent the main body from forming.

* Gordon's American Revolution, vol. ii. p. 391.

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General Washington accompanied the upper column; and arrived at the out-post on that road precisely at eight o'clock. He immediately drove it in, and in three minutes heard the discharge from the column on the river road. The picket guard kept up a fire from behind houses as they retreated, but the Americans followed with such ardour and rapidity, that they could make no stand. Colonel Rawle,* a gallant officer who commanded in Trenton, paraded his men, in order to meet the assailants. In the commencement of the action he was mortally wounded; upon which his troops attempted to file off from the right, and gain the road to Princeton. Washington threw a detachment in their front, and at the same time advanced rapidly on them in person. Being surrounded, and their artillery already seized, they laid down their arms, and surrendered themselves prisoners of war.

Unfortunately, the quantity of ice rendered it impracticable for General Irvine to execute the part of the plan allotted to him. He was unable to cross the river; and of consequence the lower road towards Bordentown remained open. About five hundred men, among whom was a troop of cavalry, stationed at the lower end of Trenton, availed themselves of this circumstance, and crossing the bridge in the commencement of the action, escaped. The same cause prevented General Cadwalader from attacking the post at Mount Holly. With infinite difficulty, he got over a part of his infantry; but it being impracticable to transport the artillery, the infantry returned.†

Although in consequence of the extreme severity of the night, the plan failed in many of its parts, the success attending that assumed by General Washington in person was complete. One thousand of the enemy were made prisoners, and as many stands of arms, with six field pieces, were secured. About twenty of the enemy were killed, including officers. On the part of the Americans, two privates were killed, two frozen to death, and one officer, and three or four privates, were wounded.

Had the divisions of General Irvine and Cadwalader crossed the river, the British would, probably, have been swept from the banks of the Delaware,‡ and Washington would have taken a position in the Jerseys. But it was now deemed unadvisable to hazard the loss of the advantage already gained, and the general crossed the river with the prisoners and stores he had taken.

XX. The British commander was greatly astonished by this unexpected display of vigour on the part of the American General. Knowing the enfeebled condition of his army, and the expectation of its immediate dissolution, he had supposed the war almost at an end; and, probably, looked forward to a triumph at Philadelphia, so soon as the river Delaware should be rendered passable by frost, when this energetic apparition, as if from the dead, awakened him from a delightful dream. He determined, though in the depth of winter, to recommence active operations; and Lord Cornwallis, who had retired to New York, for the purpose of embarking for Europe, suspended his departure and returned, to the Jerseys, in great force, for the purpose of regaining the ground which had been lost.

Meanwhile, Count Donop, who commanded the troops posted below

* Quere? Rahl.

† Marshall. Wash. Lett.

‡ How practicable this would have been, appears from the following fact. Colonel Reed, who was with the division of Cadwalader, passed the ferry with the van of the infantry. He immediately despatched some trusty persons to examine the situation of the troops at Mount Holly. The report made by his messengers was, that they had looked into several houses in which the soldiers were quartered, and had found them, generally, fast asleep, under the influence, as was conceived, of the spirituous liquors they had drank the preceding day, which was Christmas. That there appeared to be no apprehension of danger, nor precautions against it.

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Trenton, learning the disaster which had befallen Colonel Rawle, immediately commenced his retreat by the road leading to Amboy, and joined General Leslie at Princeton. The next day General Cadwalader took post on the Jersey shore, with orders to harass the enemy if he could do so safely, but to put nothing to hazard until he should be joined by the continental battalions. General Mifflin now joined General Irvine with a detachment of Pennsylvania militia, amounting to about fifteen hundred men, who were also ordered to cross the Delaware.

XXV. Once more at the head of a force with which he might attempt something, the general-in-chief resolved not to remain inactive. Inferior as he was to the enemy, he yet determined to employ the winter in endeavouring to recover the whole, or the greater part of Jersey.

With this view, he ordered General Heath, at Peck's-kill, on the North river, to leave a small detachment of troops at that place, and, with the main body of the New England militia, to move into Jersey, and approach the British cantonments. General Maxwell was directed to collect the militia, to harass their flank and rear, and to attack their out-posts. Having made these dispositions, Washington again crossed the Delaware, with his continental regiments, and took post at Trenton. Here he exerted all his influence to prevail on the troops from New England, whose terms of service expired on the last day of December, to continue during the present exigency, and, with infinite difficulty, and a bounty of ten dollars, many were induced to re-engage for six weeks.

The British were now (January, 1777) collected in force at Princeton, under Lord Cornwallis, where some works were thrown up; and, as they advanced a strong corps towards Trenton, and knew that the troops from New England were entitled to be discharged, it was justly expected they would attack the American army.

Generals Mifflin and Cadwalader, who lay at Bordentown and Crosswicks, with three thousand six hundred militia, on the night of the first of January, joined the commander-in-chief, whose whole effective force, with this addition, did not exceed five thousand men.

Lord Cornwallis advanced the next morning. About four o'clock in the afternoon, after some slight skirmishing with a small party detached to Maidenhead to harass and delay his march, his van reached Trenton, while the rear was at Maidenhead, about half way between Princeton and Trenton. On his approach, General Washington retired across the Assunpink, a creek which runs through the town, behind which he drew up his army. The British attempted to cross at several places, but the fords being guarded, they halted and kindled their fires. The American troops kindled their fires likewise, and a cannonade was kept up on both sides until dark.

The situation of General Wsshington was, now, again extremely critical. If he maintained his present position, it was certain that he would be attacked, next morning, by a force, in all respects, superior to his own; and the result would, most probably, be the destruction of his little army. If he attempted to retreat over the Delaware, now covered with ice, which, in consequence of a few mild and foggy days, was not firm enough to march upon, a considerable loss, perhaps a total defeat, would be sustained. In any event, the Jerseys would once more be entirely in possession of the enemy; the public mind would again be depressed, recruiting be discouraged by his apparent inferiority; and Philadelphia would a second time be in the grasp of General Howe. It was obvious, that the one event or the other would deduct greatly from the advantages promised by his late success; and, if it should not render the American cause, absolutely, desperate, would very essentially injure it.

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XXII. In this state of things, he formed the bold and judicious design of abandoning the Delaware, and marching silently in the night by a circuitous route, along the left flank of the British army, into their rear at Princeton, where he knew they could not be very strong. After beating them there, he proposed to make a rapid movement to Brunswick, where their baggage and principal magazines lay, under a weak guard.

A council of war having approved this plan, preparations were immediately made for its execution. As soon as it was dark, the baggage was removed silently to Burlington; and about one o'clock in the morning of the third, after renewing their fires, and leaving their guards at the bridge and other passes over the creek, the army decamped with perfect secrecy, taking the Quaker road to Princeton. Here, three British regiments had encamped the preceding night, two of which commenced their march early in the morning to join the rear of their army at Maidenhead. About sunrise,* when they had proceeded about two miles, they saw the Americans advancing on the left, in a direction which would enter the road in their rear. They immediately faced about, and, repassing Stonybrook, moved under cover of a copse of woods towards the Americans, whose van was conducted by General Mercer. A sharp action ensued, which, however, was not of long duration. The militia, of which the advanced party was principally composed, soon gave way, and the few regulars attached to them were not strong enough to maintain their ground. While gallantly exerting himself to rally his broken troops, General Mercer was mortally wounded, and the van was entirely routed. But the fortune of the day was soon changed. The main body of the army, led by General Washington in person, followed close in the rear, and attacked the enemy with great spirit. Persuaded that defeat would irretrievably ruin the affairs of America, he advanced in the very front of the battle, and exposed himself to the hottest fire of the enemy. He was so well supported by the same troops who, a few days before, had served at Trenton, that the British, in turn, were compelled to give way. Their line was broken, and the two regiments separated from each other. Colonel Mawhood, who commanded that in front, and who, being, therefore, on the right, was nearest the rear division of the army under Lord Cornwallis, retired to the main road and continued his route to Maidenhead. The fifty-fifth regiment, which was on the British left, being hard pressed, fled, in confusion, across the fields and great road, into a back road leading between Hillsborough and Kingston towards Brunswick.† The vicinity of the British forces at Maidenhead, secured Colonel Mawhood from pursuit, and General Washington pressed forward to Princeton. The regiment remaining in that place took post in the college, and made some show of resistance; but the artillery being brought up, it was abandoned, and the greater part of them were made prisoners. A few saved themselves by a precipitate retreat to Brunswick.

In this action, upwards of one hundred of the British were killed, and near three hundred were taken prisoners. The loss of the Americans in killed was somewhat less, but in this number was included General Mercer,

* "The march of the army had been rendered much more expeditious, than it could otherwise have been, by a fortunate change of weather. On the evening of the second, it became excessively cold, and the roads which had become soft, were rendered as hard as pavement."

† "This account of the battle of Princeton varies, in some of its circumstances, especially in the manner of meeting the enemy, from that originally given. The papers in possession of the author do not state the relative situation of the armies when the action commenced. He is indebted for that information to a very intelligent friend, to whom he feels great obligation, which it gives him much gratification to acknowledge."—*Marshall.*

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a very valuable officer from Virginia, who had served with the commander-in-chief in the war against the French and Indians, which terminated in 1763, and was greatly esteemed by him. Colonels Haslett and Potter, brave and excellent officers from Delaware and Pennsylvania; Captain Neal of the artillery, Captain Fleming, who on that day commanded the seventh Virginia regiment, and five other valuable officers, were also among the slain.

On the appearance of daylight,* Lord Cornwallis discovered that the American army had moved off in the night, and immediately conceived the plan of Washington. He was under extreme apprehension for Brunswick, where were magazines of great value, with the military chest containing about seventy thousand pounds. Breaking up his camp, he commenced a rapid march to that place, for the purpose of affording it protection; and was close in the rear of the American army before it could leave Princeton.

XXIII. General Washington was again in a very perilous situation. His small army was exhausted with extreme fatigue. His troops had been without sleep, all of them one night, and some of them two. They were without blankets; many of them barefooted, and otherwise thinly clad; and he was eighteen miles from his point of destination. He was closely pursued by an enemy, much superior in point of numbers, well clothed and fresh, and who must necessarily come up with him before he could accomplish his designs on Brunswick, if any opposition should there be made to him. He, therefore, wisely, determined to abandon the remaining part of his plan;† and breaking down the bridges over Millstone Creek, between Princeton and Brunswick, he took the road leading up the country to Pluckemin, where his troops were permitted to refresh themselves, and to take that rest which they so greatly required. Lord Cornwallis continued his march to Brunswick, which he reached in the course of that night. General Matthews, who commanded at that place, had been greatly alarmed; and while he took measures to defend himself, the utmost industry was used to remove the military stores to a place of greater safety.

The sufferings of the American army had been so great, from the severity of the season, and the active service in which they had been engaged;

* "The time when this movement of the American army was discovered by Lord Cornwallis, is taken from the British accounts. In the United States it was understood that the firing towards Princeton gave him the first intimation of the skilful manœuvre of the preceding night. It was also generally said at the time, that in the preceding evening, when the British army reached Trenton, Sir William Erskine urged an immediate attack, but Lord Cornwallis was disposed to defer it until the next morning, as his troops were fatigued by their day's march from Princeton, and the Americans were so hemmed in by the Delaware, filled with ice, on one side, and Crosswick's Creek, which is navigable for sloops, in their rear, that a retreat was impossible, and he could make sure work in the morning. To this observation, Sir William is said to have replied, "If Washington is the general I take him to be, his army will not be found on its present ground in the morning." The author has lately received this anecdote in a manner which induces him to think it worthy of more credit, than he had supposed it to be entitled to, while he received it merely as the report of the day."—*Marshall.*

"It is also an additional proof of the secrecy with which this manœuvre was executed, that some militia field officers who had retired into the rear, to get a good night's sleep, were, next morning, absolutely unable to say, what had become of the American army."—*Ibid.*

† "A council was held on horseback, and some gentlemen advised that he should file off to the southward. On crossing the Millstone river at Kingston, the guides were directed to take the road leading to the northward, through Hillsborough, but before they reached Somerset court-house, many of the infantry, worn out with fatigue, fasting and want of rest, lay down and fell asleep by the way. But the object of Lord Cornwallis being to save Brunswick, he did not turn aside to molest the American army."—*Ibid.*

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their complaints, especially on the part of the militia, were so loud, their numbers were reducing so fast, by returning home, and by sickness, that General Washington found it impracticable, further to prosecute offensive operations. It was, therefore, deemed absolutely necessary to retire to Morristown, in order to put his men under cover, and to give them some repose.

The affairs of Trenton and Princeton were represented, and considered as great victories. They were believed, by the body of the people, to evidence the superiority of their army, and of their general. The opinion that they were engaged in a hopeless contest, yielded to a confidence that proper exertions on their part, would be crowned with ultimate success.

This change of opinion relative to the issue of the war, was accompanied with an essential change in conduct; and although the regiments required by Congress were not completed, they were made much stronger than, before this happy revolution in the aspect of public affairs, was believed to have been possible.

XXIV. The firmness manifested by Congress throughout the gloomy and trying period which intervened between the loss of Fort Washington, and the battle of Princeton, gives the members of that period a just claim to the admiration of the world, and to the gratitude of their fellow citizens. Unawed by the dangers which threatened them, and regardless of personal safety, they did not for an instant admit the idea, that the independence they had declared was to be surrendered, and peace to be purchased by returning to their ancient colonial situation. As the British army advanced through Jersey, and the consequent insecurity of Philadelphia rendered an adjournment of Congress from that place to one further removed from the seat of war, a necessary measure of precaution, their exertions seemed to increase with their difficulties. They sought to remove the despondence which was seizing and paralyzing the public mind, by an address to the states, in which every argument was suggested which could rouse them to vigorous action. They made the most strenuous efforts to animate the militia, and impel them to the field, by the agency of those whose popular eloquence best fitted them for such a service.

When reassembled at Baltimore, their resolutions exhibited no evidences of confusion or dismay; and the most judicious efforts were made, by collecting, as soon as possible, a respectable military force, to repair the mischief produced by past errors.

Declaring, that in the present situation of things, the very existence of civil liberty depended on the right execution of military powers, to a vigorous direction of which, distant, numerous, and deliberative bodies were entirely unequal, they authorized General Washington to raise sixteen additional regiments, and conferred upon him, for six months, powers for the conduct of the war, which were almost unlimited.*

XXV. And that no doubt might be entertained among foreign nations, and, particularly, in France, whose aid they were soliciting, Congress declared their determination, to listen to no terms founded on their resumption of the character of British subjects: but trusting the event to Providence, and risking all consequences, they resolved to adhere to the independence they had declared, and to the freedom of trade they had proposed to all nations. Copies of these resolutions were sent to the principal courts in Europe, and proper persons appointed to solicit their friendship to the new formed states. These despatches fell into the hands of the British, and by them were published; a circumstance, by no means, unacceptable to the Congress, who were persuaded, that an apprehension of an accommodation with Great

* Marshall.

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Britain, was a principal objection to the interference of foreign courts, in what was represented to be no more than a domestic quarrel. A resolution, adopted in the worst fortune, that Congress would listen to no terms of reunion with the parent state, would, it was believed, convince those who wished for the dismemberment of the British empire, that it was sound policy to prevent the conquest of the United States.

XXVI. The favourable change in the affairs of the Americans, was in no place so sensibly felt as in New Jersey, where the people suffered all the horrors which could flow from a licentious and almost unrestrained soldiery. When the royal army entered Jersey, the inhabitants, pretty generally, remained in their houses, and many thousands received printed protections, signed by order of the British commander-in-chief. This event, in the language of Governor Livingston, "enabled the patriots more effectually to distinguish their friends from their enemies. It winnowed the chaff from the grain. It discriminated the temporizing politician, who, on the first appearance of danger, determined to secure his idol—property, at the hazard of the general weal, from the persevering patriot, who, having embarked his all in the common cause, chose rather, to risk, rather, to lose that *all* for the preservation of the more inestimable treasure *Liberty*, than to possess it upon the ignominious terms of tamely resigning his country and posterity to perpetual servitude." But it did more, "It opened the eyes of those who were made to believe that their impious merit in abetting the persecutors, would exempt them from being involved in the common calamity."* Neither the proclamation of the commissioners, nor protections, saved the people from plunder, or insult. Their property was taken and destroyed without distinction of persons. They exhibited their protections, but the Hessians could not read and would not understand them, and the British soldiers deemed it foul disgrace that the Hessians should be the only plunderers. Discontents and murmurs increased every hour with the ravages of both, which were almost sanctioned by general orders,† and which spared neither friend nor foe. Neither age nor sex protected from outrage. Infants, children, old men, and women, were left naked and exposed, without a blanket to cover them from the inclemency of winter. Furniture which could not be carried away, was wantonly destroyed; dwellings and out-houses burned, or rendered uninhabitable; churches, and other public buildings consumed; and the rape of women, and even very young girls filled the measure of woe. Such miseries are the usual fate of the conquered, nor were they inflicted with less reserve, that the patients were rebellious subjects. But even the worm will turn upon the oppressor. Had every citizen been secured in his rights, protected in his property, and paid for his supplies, the consequence might have been fatal to the cause of independence. What the earnest commendations of Congress, the zealous exertions of Governor Livingston, and the state authorities, and the ardent supplications of Washington could not effect, was produced by the rapine and devastations of the royal forces.

The whole country became instantly hostile to the invaders. Sufferers of all parties rose as one man to revenge their personal injuries. Those who from age and infirmities were incapable of military service, kept a strict watch upon the movements of the royal army, and from time to time, com-

* Livingston's Address to the Assembly, 28th February, 1777.

† The orders of General Howe to Count Donop, directed that "all salted and meal provisions, which may be judged to exceed the quantity necessary for the subsistence of an ordinary family, shall be considered a magazine of the enemy, and seized for the King, and given to the troops as a saving for the public." Under such an order, the pickling tubs, and garners of every Jersey farmer became lawful prize; the captor being judge of the necessary quantity for the family subsistence.

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municated information to their countrymen in arms. Those who lately declined all opposition though called on by the sacred tie of honour, pledged to each other in the declaration of independence, cheerfully embodied, when they found submission to be unavailing for the security of their estates. This is not to be attributed wholly to the victories of Trenton and Princeton. In the very moment of these actions, or before the results were known, individuals, ignorant of Washington's movements, concerted insurrections to revenge their peculiar injuries. The contest had its source in the unrighteous claim of the British statesmen, to appropriate the property of the colonists against their consent. It was reanimated by a new and direct application of the principle by the British army. Men who could not apprehend the consequences of British taxation, nor of American independence, could feel the injuries inflicted by insolent, and cruel, and brutal soldiers. The militia of New Jersey, who had hitherto behaved shamefully, from this time forward, generally, acquired high reputation; and throughout a long and tedious war, conducted themselves with spirit and discipline scarce surpassed by the regular troops.* In small parties they now scoured the country in every direction, seized on stragglers, in several slight skirmishes behaved unexceptionably well, and collected in such numbers as to threaten the weaker British posts, with the fate which those at Trenton and Princeton had already experienced. In a few days, indeed, the Americans had overrun the Jerseys. The enemy was forced from Woodbridge; General Maxwell surprised Elizabethtown, and took near one hundred prisoners with a quantity of baggage; Newark was abandoned, and the royal troops were confined to New Brunswick and Amboy, judiciously selected for the double purpose of again penetrating the country, and of keeping up a safe communication with New York. Within four days after the affair at Princeton, between forty and fifty Waldeckers were killed, wounded, or taken, at Springfield, by an equal number of the same Jersey militia, which but a month before, had abandoned all opposition. This enterprise was conducted by Colonel Spencer, whose gallantry was rewarded with the command of a regiment. On the 20th of January, General Dickenson, with about four hundred militia, and fifty of the Pennsylvania riflemen, defeated near Somerset court-house, on the Millstone river, a foraging party of the enemy of about equal number, and took forty wagons, upwards of one hundred horses, and many cattle and sheep, which they had collected. They retreated so precipitately, that he made but nine prisoners, but many dead and wounded were carried off in light wagons. The general received much praise for his courage and conduct; for though his troops were raw, he led them through the river middle deep, and charged with so much impetuosity, that the enemy, notwithstanding he had three field pieces, gave way and left the convoy. About a month after this affair, Colonel Neilson of New Brunswick, with a detachment of one hundred and fifty militia, surprised and captured Major Stockton, (one of the numerous family of that name, who, from his treachery, was called "double Dick,") at the head of fifty-nine privates, refugees, in British pay.

The three months which followed the battle of Trenton, passed away without any important military enterprise, other than we have described. Major-general Putnam took post at Princeton, in order to cover the country in the vicinity. He had only a few hundred troops, though he was no more than eighteen miles distant from the strong garrison of the British at Brunswick. At one period, he had fewer men for duty, than miles of frontier to guard. The situation of General Washington at Morristown, was not more eligible. His force was inconsiderable, compared with that of the British;

* Ramsay.

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but the enemy and his own countrymen believed the contrary. Their deception was cherished and artfully continued by the specious parade of a numerous army. The officers, in positions difficult of access, by a constant communication with each other, secured themselves from insult and surprise.

XXVI. While the enemy was thus surrounded, and harassed by an almost imaginary army, whose parts disappeared at the approach of any considerable force, but instantly presented themselves when that force retreated, General Washington came to the hazardous, but judicious, resolution, of delivering himself and his future force from the dread of a calamity, which he could not elude, and which had been more fatal in his camp, than the sword of the enemy.

The small-pox, of all the agents of death, was the most painful and hideous. Inoculation had not yet in America, stripped it of its terrors; nor vaccination rendered it impotent. In despite of the utmost vigilance, it had penetrated to the northern and middle armies, and impaired the strength of both. In the northern, especially, its havoc had been so great, that the delay, requisite to obtain the command of Lake Champlain, alone, prevented the British army from reaching the Hudson. To neutralize the virulence of the pest, inoculation was now resorted to. With all possible secrecy, preparations were made to give the infection to the troops in camp, at Philadelphia, and other places; and thus an army was procured exempt from a calamity, the very fear of which endangered the most important operations.

XXVII. The hostile spirit which now displayed itself in the State of New Jersey, was encouraged by a politic and humane proclamation, issued by the commander-in-chief, about the last of January, directed to those who had submitted to, and taken protection from, the enemy; discharging the obligations created by their oaths of allegiance to the king, and requiring them to repair to head quarters, or to the quarters of the nearest general officer, and to swear allegiance to the United States, as the condition of a full pardon. An act of Assembly, conceived in the same spirit, was passed a few months after. The beneficial effects of these measures were soon visible. The people flocked in from every quarter, to take the oaths; but the Legislature could not, yet, be induced to pass an act, to bring the militia certainly into the field.

XXVIII. Amid these testimonies of reviving patriotism, it is painful to record the crimes which were committed by American soldiers, and which were but too much encouraged by the heterogeneous organization of the army; for the correction of which, General Washington found it necessary, by proclamation, to prohibit, "both in the militia and continental troops, in the most positive terms, the infamous practices of plundering the inhabitants, under the specious pretence of their being tories. It is our duty," continued the proclamation, "to give protection and support to the poor, distressed inhabitants, not to multiply their calamities. After this order, any officer found plundering the inhabitants, under the pretence of their being tories, may expect to be punished in the severest manner."

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CHAPTER XIV.

I. Organization of the New Jersey State Government—II. First Address of the Governor—Other principal Officers.—III. Condition of the State at this period. IV. State of the Northern Department—Operations on the Lakes.—V. The British seize Rhode Island.—VI. Demonstration of General Heath, on Long Island. —Condition of the American Army, in New Jersey—Skirmishing.—VII. Early efforts of Sir William Howe, to destroy the American Magazines—Stores burned at Peck's-kill—at Danbury.—VIII. Successful enterprise of Colonel Meigs, against Sagg Harbour.—IX. Movements of General Washington, on opening the Campaign—Removal of the Army to Middlebrook—Disposition of the Troops. X. Operations of the Army under General Howe—Feint to cross the Delaware—Retreat from New Jersey—Returns, and attacks the American Army.—XI. Perplexity of Washington, caused by the Movements of the British Forces.—XII. Capture of Major-general Prescott, by Major Barton.—XIII. General Howe embarks for the southward—Measures of Washington thereon.—XIV. Attempt of General Sullivan, with Colonel Ogden, upon the Tories on Staten Island.—XV. Arrival of the British Army at Elk River—its Progress—Operations of the American Army—Battle of Brandywine.—XVI. Subsequent movement of the Armies.—XVII. Second encounter of the hostile Armies—they are separated by rain.—XVIII. Affairs of Paoli.—XIX. The British enter Philadelphia.—XX. Congress remove to Lancaster, thence to York.—XXI. Attack and defence of the Fortifications on the Delaware.—XXII. Battle of Germantown.—XXIII. Operations in New Jersey.—XXIV. Further proceedings on the Delaware.—XXV. Repulse of Count Donop, from Fort Mercer.—XXVI. General Greene despatched to New Jersey.—XXVII. Capture of Fort Mifflin, and abandonment of Fort Mercer.—XXVIII. Attempt of General Dickenson on Staten Island.—XXIX. American Army reinforced.—XXX. Attacked at White Marsh, by the British.—XXXI. The American Army retires into Winter Quarters.—XXXII. English plans for the Northern Campaign.—XXXIII. Condition of the American Northern Department.—XXXIV. Burgoyne captures the Forts on the Lakes, and disperses the American Army.—XXXV. Recuperative measures of General Schuyler.—XXXVI. Repulse of St. Leger, from Fort Schuyler.—XXXVII. Defeat of Colonel Baum, at Bennington.—XXXVIII. Beneficial result of these fortunate Events.—XXXIX. Battles on the Hudson, and Capture of Burgoyne.—XL. Movements of Sir Henry Clinton, in the Highlands.—XLI. Effect of the Capture of Burgoyne—at home and abroad.—XLII. Congress refuse to execute the Articles of Capitulation—their reasons.

I. The first Legislature of independent New Jersey, convened at Princeton, on the 27th of August, 1776. John Stephens was elected vice-president of the Council, and John Hart, speaker of the House of Representatives; and on the 31st of the month, William Livingston, Esq., was chosen in joint ballot, governor of the new State. This appointment removed him from a military command, at Elizabethtown, alike incompatible with his years, his habits, and his previous studies, to one, for which the employments of his life had admirably prepared him. On the first ballot, the votes were equally divided, between him and Richard Stockton; but on the second, on the succeeding day, he had a majority, of how many does not appear.* His rival,

* Dr. Gordon, (Hist. Revolution, vol. ii. p. 300,) says—"There was an equal number of votes for him and Mr. Stockton; but the latter having, just at the moment, refused to furnish his team of horses, for the service of the public, and the Legislature coming to the knowledge, the choice of Mr. Livingston took place immediately."—Mr. Sedgwick, in his life of Governor Livingston, very properly repudiates this reason, and observes—"I am told by a person formerly intimate with John Cleve Symmes, at this time a member of council, that he had often said between jest and earnest, 'that he had made Mr. Livingston governor.' Whether by this, is meant, that, on the

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who, previous to the revolution, held a seat on the bench of the Supreme Court, was named chief-justice, but he refused the office. Governor Livingston continued to fulfil the duties of the executive, from this period until his death, a space of fourteen years, being annually re-elected, either, unanimously, or by large majorities.

II. His first address to the Assembly, displays that deep devotion to liberty, that religious confidence in final success, that inextinguishable hatred of British oppression, with that attention to affairs, which made him one of the most efficient agents of American deliverance. "Let us, gentlemen," so closes this earnest call for their warmest sympathy, and most vigorous exertions, in the American cause, "both by precept and practice, encourage a spirit of economy, industry and patriotism, and that public integrity and righteousness, which cannot fail to exalt a nation; setting our faces, at the same time, *like a flint*, against that dissoluteness of manners and political corruption, which will ever be the reproach of any people. May the foundation of our infant State, be laid in virtue and the fear of God—and the superstructure will rise glorious, and endure for ages. Then may we humbly expect the blessing of the Most High, who *divides* to the nations their inheritance, and *separates* the sons of Adam.* In fine, gentlemen, whilst we are applauded by the whole world, for demolishing the old fabric, rotten and ruinous as it is, let us unitedly strive to approve ourselves master builders, by giving beauty, strength and stability to the new."†

The other principal officers chosen for the organization of the government were, John De Hart, chief justice, Samuel Tucker, second, and Francis Hopkinson, third justices, and Jonathan D. Sergeant, clerk of the Supreme Court; Charles Petit secretary of state, and Richard Smith treasurer. Mr. De Hart refusing the office of chief justice, Mr. Robert Morris was appointed; the place of Mr. Tucker upon his declination, was given to Isaac Smith, and that of Mr. Hopkinson, on his acceptance of the admiralty in Philadelphia, was filled by John Cleves Symmes; Mr. Sergeant refusing to act as clerk, Bowes Reed was appointed.

III. The officers however, were continually changing, both military and civil; and for the services of the latter, there was at this period, but too little occasion. The campaign of 1776, was the most trying period of the war, and drew largely upon the ability and fortitude of the governor and other constituted authorities of the state. On the 15th September, the city of New York fell into the hands of the enemy. Two months were consumed by the hostile armies on the east bank of the Hudson. But when, on the 10th of November, the fall of Fort Washington was followed by the passage of the North river, by the British forces under Cornwallis, by the abandonment of Fort Lee, and the rapid retreat of the American army, the scene of action was immediately transferred to the heart of New Jersey.

Governor Livingston made the most strenuous exertions with the Assembly and with the people, to have the militia in the field to oppose the invading force. But it was not practicable to control the panic which had seized upon the mass of the population. The barefooted, and almost naked continental

final vote, Governor Livingston had only a bare majority, or that Mr. Symmes induced the adherents of Mr. Stockton to join those who were in favour of his rival, I doubt whether there are now any means of ascertaining."—p. 206. *n.*

* Deut. xxxii. 8.

† Votes of Assembly. From an expression in this paragraph, and his inflexible disposition, the governor was, for some time after this, known by the name of *Dr. Flint;* and an anecdote is told of Mr. Ames, who, in some momentary confusion of ideas, at a dinner in New York, where he met Governor Livingston, asked *Dr. Flint*, whether the town of Trenton was well or ill disposed to the new constitution.—*Sedgwick's Livingston*, 207.

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army, retreating before the well appointed battalions of the enemy, impaired the confidence of the people, not less in the commander-in-chief, than in their own resources. The defenceless Legislature, with the governor at their head, removed from Princeton to Burlington, where they adjourned on the 2d of December, each man retiring to his home, to take charge of his peculiar interests. There scarcely remained a vestige of the lately constituted government, or any who owed it allegiance; and until the battle of Trenton, (25th December) New Jersey might have been considered a conquered country.*

IV. Although the Americans had been driven from Canada, and the hope of its conquest, was, for the present abandoned, the defence of the northern department of the United States was of the greatest importance. The possession of lakes Champlain and George, by the enemy, might induce that of Albany and all the upper parts of the Hudson, and opening a free communication between the northern British army, and that in New York, sever the eastern from the middle and southern states, and encourage the royalists of the middle and upper country, who were numerous, to show themselves in force. Under these impressions, such detachments were made from the army under Washington, on the opening of the campaign of 1776, as to expose him to the greatest hazards.

The northern department had been entrusted to General Schuyler, who, with high talents, possessed great influence in the country. General Gates had been named to the army in Canada, and though that army was now in the department of Schuyler, his senior officer, he still claimed the command. But Congress removed this difficulty by declaring, it was not their intention to place the former over the latter, and recommending them to co-operate harmoniously.

When expelled from Canada, the Americans had retired to the strong post of Crown Point, at the south end of Lake Champlain, whither General Carleton, for want of vessels, was unable immediately to follow them. But this obstacle was removed by the incredible exertions, with which a considerable fleet was built and equipped. General Schuyler, on his part, strenuously endeavoured to strengthen his little fleet, and to preserve the command of the lakes; but it was impracticable to obtain artillery, materials for ship building, or workmen, and his force was consequently much inferior to that of the enemy. Its command was given to the intrepid Arnold, from whom every thing was expected which courage could perform.

The small pox, which had made such ravages in the preceding campaign, still infected the army, and communicating itself to the reinforcements, rendered it necessary to stop many on their march: and mortality from this and other causes, induced the general officers in council, in the month of July, to resolve on evacuating Crown Point, and to concentrate their forces about Ticonderoga, a strong post, twelve miles from the former. This measure, apparently unavoidable, gave great chagrin to Congress, who entertained hopes of extending their operations to lakes Erie, and Ontario.

The British, by the first of October, had upon the lake, a fleet carrying more than an hundred guns, navigated by seven hundred prime sailors, and conducted by Captain Pringle; on board of which was General Carleton himself. On the 11th it proceeded to attack Arnold, then very advantageously

* The case of Samuel Tucker strongly illustrates the panic which prevailed among some of the whigs, on the invasion of the British. President of the convention which formed the constitution of the State—Chairman of the committee of safety, treasurer, and subsequently, Judge of the Supreme Court, he took a protection of the British, and thus renounced allegiance to the state, and vacated his offices. Journal of Assembly, 17th December, 1777, and votes passim. *Sedgwick's Livingston*, 209, &c.

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posted with a much inferior force, in the passage between the island of Valicour, and the western main. The wind favouring him, he was enabled to keep up the engagement for several hours, during which, his best schooner was burnt, and another vessel was sunk; but the enemy did not suffer less. Finding it impossible to renew the action with hopes of success, Arnold made his escape during the night, and was the next morning out of view of his pursuers, hastening to obtain shelter under the guns of the fort at Ticonderoga. But the enemy came up with him at noon, and he was compelled, after a spirited resistance of two hours, and the loss of another of his ships, with the second in command on board, to run the greater part of his vessels on shore, a few leagues from Crown Point, where he landed their crews in safety. A portion of his squadron passed Crown Point, and escaped to Ticonderoga. Those run on shore he burned, to prevent their capture by the conquerors.

Crown Point was seized by General Carleton, who advanced part of his fleet into Lake George, within view of Ticonderoga, and his army approached that place as if to lay siege to it. But after reconnoitering the works, and observing the steady countenance of the garrison, which consisted of between eight and nine thousand men, he concluded that it was too late in the season to invest the fortress, and returned to Canada, placing his troops in winter quarters, and making the Isle aux Noix his most advanced post. This retreat relieved the apprehensions of the Americans, and enabled General Gates, as we have seen, to march with a detachment of the northern army, to aid the commander-in-chief on the Delaware.

V. With the view of making his power more extensively felt, and of impeding the march of the troops about to be raised in New England, for the reinforcement of the army of General Washington, General Howe despatched an expedition consisting of a land force of three thousand men, under Sir Henry Clinton, and a fleet commanded by Sir Peter Parker, to take possession of Rhode Island, which was accomplished about the last of November, without material opposition. This diversion was effective in its main object; and the English derived permanent advantage, and the Americans sustained lasting inconvenience, from their possession of this post. The last were deprived of a harbour, admirably adapted to serve their maritime expeditions.

VI. With these concise notices of events in the northern and eastern sections of the country, we proceed to a more particular detail of those in New Jersey and the neighbouring states. Whilst Philadelphia was supposed to be in imminent danger, the militia of New England, in considerable numbers, had been ordered to the Delaware; and although many were detained by the invasion of Rhode Island, a few regiments reached the camp of General Heath, upon the North river, where they were arrested by the order of the commander-in-chief, for the purpose of making a diversion on the side of New York. The army in New Jersey, with the detachment to Rhode Island, it was supposed, had greatly reduced the British force in the city. About two thousand men were in the neighbourhood of King's Bridge, and all the other troops on the island were not estimated at a greater number. On Long Island, it was said, there was only Delancy's brigade of American loyalists, amounting to less than one thousand men. Under these circumstances, it was presumed, that the New York and New Jersey militia might form a respectable army, with which General Heath might alarm, and, perhaps, more than alarm that important post. He was directed to approach King's Bridge, to carry off the forage and provisions with which the enemy might be supplied, and if circumstances should justify, to attack the forts which guarded the entrance into the island. In such event, it was anticipated, that fears for New York would induce General Howe, either to abandon the Jerseys entirely, when his troops would suffer extremely through the winter,

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for fuel, forage and provisions, or so to weaken his posts at Brunswick and Amboy, as to permit General Washington to attack them with advantage. Should neither of these results be produced, some advantages might be gained on York or Long Island.

Pursuant to these views, General Heath marched* towards West Chester, and summoned Fort Independence; but the garrison refusing to surrender, he did not venture an assault with militia. Receiving intelligence that the British army had embarked from Rhode Island, and might, by entering the Sound, land in his rear, he was compelled to withdraw into the Highlands; not however, without the acquisition of considerable quantities of forage and cattle.

VII. In the mean time, repeated skirmishes on the lines increased the distress of the enemy, and the confidence of the Americans in themselves. The British found it totally unsafe to forage but with large covering parties, which were often attacked with advantage, and their horses frequently taken. Their miserable appearance evinced the scarcity which prevailed in the camp. In these skirmishes, prisoners were often made; and frequent small successes, the details of which filled the papers throughout America, served to animate the people at large, who even supposed that the British would be driven to their ships for protection, so soon as the season would permit the armies to take the field. Yet the real situation of General Washington, happily concealed, both from the enemy and from his own countrymen, was extremely critical. He was often abandoned by bodies of the militia, before their places were filled by others; and, thus, left in a state of dangerous weakness, with all his positions exposed to imminent hazard. This was not the only inconvenience resulting from this fluctuating army. The soldiers carried off arms and blankets which had been unavoidably delivered to them, to be used while in camp, and thus wasted in advance, the military stores collected for the ensuing campaign.†

While exposed to these embarrassing inconveniences, the general received intelligence, that reinforcements were arriving from Rhode Island, and that the movement of General Heath had not produced the effects he had expected. His fears for Philadelphia revived; and the New England troops, except so many as might be deemed necessary to guard the Highlands, were ordered immediately to join him. Heavy requisitions were also made on the neighbouring militia, especially of New Jersey.

The movement so much apprehended, was not made; and the war of skirmishes on the side of Jersey, continued throughout the winter. In the course of it, the British loss was supposed to be more considerable than they had sustained at Trenton and Princeton; and hopes were entertained that, from the scarcity of forage, neither their cavalry, nor draught horses would be in a condition to take the field, when the campaign should open.

This light war was far short of the hopes of the American General, who submitted, with infinite reluctance, to the inactivity his weakness imposed on him. He had flattered himself that the reviving courage of his countrymen would have placed at his disposal a force which would enable him to beat the enemy in detail, during the winter, and to repel the great exertions which would be made for the conquest of America in the ensuing summer.

All the intelligence from Europe concurred in demonstrating the fallacy of the hope, still cherished by many, that the war would be abandoned. Never had the administration been supported by greater majorities in Parliament; and the body of the nation appeared well disposed to employ all its means to reannex to the empire its revolted colonies. The importance of

* June, 1776. † Marshall's Washington.

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destroying, or maiming the present army before it could be reinforced was, consequently, felt in its full extent; and the commander-in-chief made the most strenuous endeavours to promote the recruiting service, and to collect the recruits in such numbers, as would enable him successfully to attack the British posts, either in Rhode Island, New York, or New Jersey. The state sovereignties, where the real energies of government resided, were, incessantly, urged to take effectual measures to fill their regiments, and to bring their respective quotas early into the field. They were pressed to march their recruits, so soon as they could be cleansed from the small-pox, by companies, and even by parts of companies, to the several stations assigned them; and those general officers, who were supposed to possess most influence, were detached to their respective states, for the purpose of promoting and superintending the recruiting service.

At the instance of the commander-in-chief, Congress passed such resolutions as were calculated to second his views. They authorized him to draw the eastern troops from Peck's-kill, who were to be replaced by New York militia; and required the executive of New Jersey, to order out the whole militia of that state, and the executive of Pennsylvania, such part of their militia as was contiguous to New Jersey, properly armed and equipped, to the aid of the general.

When the season for active operations approached, General Howe directed his first attention to the destruction of the scanty resources prepared by the Americans for the ensuing campaign. Magazines had been collected at Peck's-kill, in the Highlands, where mills had been erected, and the headquarters of the general commanding, had been established. On the recall of General Heath, to Boston, the command had devolved on General M'Dougal. The strength of this post, like others depending upon militia, was subject to great fluctuation; consisting, at times, of several thousand men, at others, reduced to as many hundred. The stores collected here, were at this time inconsiderable; but the British general supposing them of great value, and slightly defended, on the 23d of March, 1777, despatched Colonel Bird, against the post, with five hundred men, under convoy of a frigate, and some smaller armed vessels. General M'Dougal, whose force did not exceed two hundred and fifty men, exerted himself to remove the magazines into the strong country, in his rear; but before this could be effected, the enemy approached, and compelled him to retire, having first set fire to the store-houses and barracks. Colonel Bird completed the destruction, and returned to New York.

Danbury, on the western frontier of Connecticut, contained a valuable deposit of military stores, and though not more than twenty miles from the Sound, its safety was supposed to be assured by the nature of the country, the zeal of the militia, and by a portion of the Connecticut draughts, assembled there. But on the 25th of April, Governor Tryon, major-general of the provincials, in the British service, with Brigadiers Agnew, and Sir William Erskine, entered and fired the town, with all the stores it contained. Upon his retreat, he was assailed by about thirteen hundred militia, in several detachments, commanded by Generals Arnold, Silliman, and Wooster. In one of the several skirmishes, the last was killed. The enemy spent the night of the 27th at Ridgefield, and in the following morning resumed his retreat, and was again met by Arnold, with a force of one thousand, among whom were some continental artillery and infantry; but he attained his shipping, with a loss of one hundred and seventy men, killed, wounded and taken prisoners. The loss of the Americans was nearly the same, but it included several officers of rank, besides General Wooster. General M'Dougal had learned the intention of Tryon, and endeavoured to intercept his retreat by a

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rapid march, with twelve hundred men, to which number his forces had increased; but he could not arrive before the enemy had retired; and therefore hastily returned to his post at Peck's-kill.

VIII. This enterprise was soon after retaliated by an expedition, under Lieutenant-colonel Meigs, who, on the 23d of May, with two hundred and thirty men, carried and destroyed a large depot of provisions and forage, at Sagg Harbour, on Long Island; eluding the numerous cruizers of the enemy, and making near a hundred prisoners, without the loss of a single man. Such was the celerity of Colonel Meigs's movements, that he transported his men, between Guilford and Sagg Harbour, ninety miles, by land and water, in twenty-five hours.

IX. In the mean time, the American commander-in-chief, had formed his plan for the disposition of the army, when it should take the field. He was convinced, that while General Burgoyne, now in command of the British northern army, would either endeavour to take Ticonderoga, and penetrate to the Hudson, or join the grand army by sea, General Howe would endeavour, by moving up the North river, to possess himself of the forts and high grounds, at present occupied by the Americans, or would attempt Philadelphia. Yet uncertain as to which of those courses would be adopted, he determined to keep the high grounds of New Jersey, somewhat north of the road leading from Brunswick to Trenton. Encamped here, the army would cover New Jersey, and be at a convenient point to move, either for the protection of Philadelphia, on the west, or the Highlands, on the east. In the uncertainty with which the first movements of the enemy were enveloped, and the equal necessity of defending the three great points, Ticonderoga, the Highlands of New York and Philadelphia, against two powerful armies, superior to him, in arms, numbers and discipline, it was necessary so to arrange his force, as to enable the parts reciprocally to aid each other. To effect these purposes, the northern troops, including those of New York, were divided between Ticonderoga and Peck's-kill, while those from Jersey to the south, including North Carolina, were directed to assemble in New Jersey. If the army of Canada should join that of New York, by sea, the troops at Peck's-kill, and those in Jersey, could readily be united, either for defence of the Highlands, or of Philadelphia. If Burgoyne should attempt Ticonderoga, by way of the lakes, the force at Peck's-kill would afford aid to the army opposed to him.

Upon these arrangements being made, the camp at Morristown was broken up, and the army removed to Middlebrook, behind a ridge of strong and commanding heights, not far from the Raritan, about ten miles from Brunswick; where General Washington repaired, in person, on the 28th of May, 1777. The heights, in front of the camp, commanded the course of the Raritan, the road to Philadelphia, the hills about Brunswick, and a considerable part of the country between that place and Amboy; affording a full view of the most interesting movements of the enemy.

The force brought into the field by America, required all the aid of strong positions, and the most unremitting vigilance. On the 21st of May, the total of the army in Jersey, exclusive of the cavalry and artillery, amounted, only, to eight thousand three hundred and seventy-eight men, of whom, upwards of two thousand were sick. The effective rank and file were only five thousand seven hundred and thirty-eight. In this return, the troops of North Carolina were not included, as they had not then joined the army; and the militia of New Jersey, amounting to about five hundred men, were also omitted. Had this army been composed of the best disciplined troops, its inferiority in numbers must have limited its operations to defensive war; and

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have rendered it incompetent to protect any place, which could be defended only by battle in the open field. But more than half the troops* were unacquainted with military duty, and had never looked an enemy in the face.

A large proportion, especially from the middle states, were foreigners; many of them servants, on whose attachment to the American cause it was not safe to rely. To avail himself of this unfavourable circumstance, General Howe had offered a large reward to every soldier who would desert, and additional compensation to those who would bring their arms. The effect of these promises had been seriously felt; and their future operation, was greatly dreaded. To diminish this, and to allure, from the service of the enemy, those misguided Americans who had engaged with them, but might now wish to be again received into the bosom of their country, General Washington had urged on Congress the policy of allowing all the advantages of freemen to the servants who had enlisted; and of giving full pardon to all Americans, who would quit the British service. These recommendations, like almost every other proceeding from the same source, received the ready attention of Congress, and resolutions were passed in conformity with them.

As a movement of the enemy by land towards Philadelphia was probable, it was an important part of the plan of the campaign, to constitute on the western bank of the Delaware, an army of militia, strengthened by a few continental troops, under an experienced officer, to defend, in front, the passage of that river. To Arnold, then in Philadelphia, employed in the settlement of his accounts, this service was intrusted.

General Sullivan lay at Princeton with a body of continental troops, increasing in number by recruits from the southward, and some Jersey militia. He was directed to hold himself in perpetual expectation of attack, to send his baggage and provisions to places less exposed, and to be in readiness to move at any instant to a place of greater security, where his left could not be so readily turned, and whence he might harass the flanks of the enemy on a march, and preserve a communication with the army at Middlebrook—by no means to risk a general action, but to act entirely as a partisan corps; and on the first movement of the British army to place his main body in security, and to harass them with parties detached for that purpose. Measures were also taken to put the militia of Jersey in readiness to take the field so soon as offensive operations should commence. It was intended, not that they should remain embodied for the purpose of strengthening and acting with the continental army; but that, ranging the country in small parties, they should hang upon, and harass the flanks of the enemy.

X. The first and great object of the campaign, on the part of General Howe, was the acquisition of Philadelphia, which he originally designed to attain, by marching through New Jersey, and crossing the Delaware by a portable bridge, constructed during the winter. But the delay in the arrival of the tents and camp equipage, from Europe, and the early organization, and favourable position of the American army, caused him to devise another plan of operations, in case he could not draw the American general from his present advantageous position. This was to attempt Philadelphia by the Delaware or Chesapeake Bay. A demonstration was acordingly made, of proceeding to Philadelphia, by land. General Washington summoned to his assistance the continental troops, at Peck's-kill, with the exception of one thousand effectives, and in the mean time formed a select corps of riflemen,

* The extreme severity of the service, aided perhaps by the state of the hospitals, had carried to the grave, more than two-thirds of the soldiers, who had served the preceding campaign and been engaged for more than one year.

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under Colonel Morgan, which was posted at Vanvechten's-bridge, on the Raritan, just above its confluence with the Millstone river, with orders to watch the left flank of the British army. On any movement of the enemy, he was instructed to seize every opportunity to fall on their flank, to gall them as much as possible, but to take especial care not to permit himself to be surrounded, or to have his retreat to the army cut off. General Sullivan was directed to change his position, and to occupy the high grounds of Rocky Hill, as a place of greater security.

With the view of inducing General Washington to quit his fortified camp, and to approach the Delaware, where he might bring on a general engagement, on ground more advantageous to himself, General Howe, leaving two thousand men at Brunswick, under the command of General Matthews, advanced, on the morning of the 14th of June, in two columns, towards that river. The front of the first, under Lord Cornwallis, reached Somerset Court House, by the break of day; and about the same time, the second, under General de Heister, arrived at Middlebush, between Brunswick and Somerville, on a road east of that taken by Cornwallis. The feint was unsuccessful. On the first intelligence that the enemy was approaching, Washington posted his whole army, with great advantage, in order of battle, on the heights in front of his camp. This position he maintained during the day, and at night the troops slept on the ground to be defended. In the mean time, the militia of New Jersey, with an alacrity, heretofore unexampled in the state, took the field in great numbers; principally joining General Sullivan, who had retired behind the Sourland hills, towards Flemington, where a considerable army was forming.

Finding that the American army could not be drawn from its position, and, probably, influenced in some degree, by the temper now manifested by the militia, General Howe determined to waste no more time in threatening Philadelphia by land, but to withdraw his army from Jersey; and, pursuing the principal object of the campaign, to embark them, for the Chesapeak or the Delaware. On the 19th, in the night, he returned to Brunswick, and on the 22d, to Amboy; where he threw over the channel which separates the continent from Staten Island, the bridge designed for the Delaware, and passed over the heavy baggage and a few of his troops to that island, whence the embarkation of his army was to be made. This retreat was conducted with some marks of precipitation, and many of the farm houses on the route are said to have been burned.

General Washington, expecting the movement from Brunswick, had made dispositions to derive some advantages from it. He detached General Greene, with three brigades, for the purpose of falling on, and annoying the British rear. General Sullivan was directed to move with his division, in order to co-operate with Greene, and Maxwell to fall on the flank of the enemy. In the mean time, the main army paraded on the heights of Middlebrook, ready to act as circumstances might require.

About sunrise, Colonel Morgan attacked and drove in a picquet guard; the enemy throwing themselves into some redoubts, which, on the approach of Wayne and Morgan they evacuated; immediately after, they commenced their march to Amboy. Some sharp skirmishing took place between them and Morgan's regiment, in which the latter acted to the entire satisfaction of their general; but the hope of gaining any important advantage was entirely disappointed. From his distance, and the late hour at which he received his orders, Sullivan was unable to come up in time; the express sent to General Maxwell either deserted to the enemy, or was taken; and the rear division of the British being stronger than was expected, the force on the

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lines could make no impression on it. From these causes, the retreat to Amboy was effected without any considerable loss.

In order to cover his light parties, which still hung on the British flank and rear, and to injure the enemy, General Washington advanced six or seven miles from his strong camp at Middlebrook, to Quibbletown, on the road to Amboy. Lord Stirling's division proceeded a few miles still nearer, to the neighbourhood of Matouchin meeting-house, in order to act with the parties which were on the lines, should an opportunity offer for attack.

In this state of things, it appeared practicable to General Howe to bring on an engagement. With this view, and probably in the hope of turning the left of the American army, and gaining the heights behind them, on the night of the 25th, he recalled the troops which had passed over to Staten Island; and early next morning, made a rapid movement in two columns towards Westfield. The right, under the command of Lord Cornwallis, took the route by Woodbridge to the Scotch Plains; and the left, accompanied by Sir William Howe in person, marched by Matouchin meeting-house, to fall into the rear of the right column. It was intended that the left should take a separate route, about two miles after their junction with the other column, in order to attack the left flank of the American army at Quibbletown; while Lord Cornwallis should gain the heights on the left of the camp at Middlebrook. Four battalions, with six pieces of cannon, were detached to take post at Bonhamtown.*

About Woodbridge, the right column of the British fell in with one of the light parties detached to watch their motions; and notice being thus received of this movement, General Washington immediately penetrated its object, and discerned his danger. The whole army was instantly put in motion. It regained with the utmost celerity the camp at Middlebrook, and took possession of the heights on the left, which it was supposed the enemy had designed to seize. Lord Cornwallis, on his route encountered Lord Stirling, and a smart skirmish ensued, in which the latter was driven from his ground with the loss of three field pieces and a few men. He retreated to the hills about the Scotch Plains, and was pursued as far as Westfield. Here Lord Cornwallis halted. Perceiving the passes in the mountains on the left of the American camp to be guarded, and, of consequence, that the object for which this skilful manœuvre had been made was unattainable, he returned through Rahway to Amboy; and, on the 30th of June, the whole army crossed over to Staten Island.

While retiring from Westfield, the British army was watched by the brigades of Scott and Conway; the former entered Amboy immediately after that place had been evacuated; but no opportunity was given, during the retreat, of attacking it to advantage.

XI. About this time, news was received of the advance of General Burgoyne, towards Ticonderoga, which, with the delay in the embarkation of Sir William Howe's forces, kept the American commander-in-chief in great uncertainty as to the designs of the enemy; and occasioned him to give orders for the return of two brigades to Peck's-kill, which had proceeded to Pompton Plains, to join him, and to despatch Parson's and Varnum's brigades to that post. Still he could not divest himself of the opinion, that the attempt to cross the Delaware would be renewed; and for some days he remained in his camp, at Middlebrook. A change of position from Prince's Bay, to the watering place, and a movement of the army to the latter, with the military stores and baggage from the coast opposite Amboy, at

* General Howe's letter.

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length, relieved him from apprehensions of a sudden march on Philadelphia, and determined him to change his own position. He removed the main body of the army to Morristown, and advanced General Sullivan with his division, on the way to Peck's-kill, as far as Pompton Plains.

The preparations for embarkation of the British general, indicated the inception of a much longer voyage than that up the North river; and notice of these appearances were given to the eastern states; but the advance of Burgoyne, with a powerful army, against Ticonderoga, still induced the opinion, that the main object of Howe, must be to effect a junction with him, on the North river. Under this impression, Sullivan was ordered to Peck's-kill, and Washington, himself, proceeded to Pompton Plains, and on the 16th of July, to the Clove; where he determined to remain until the views of the enemy should be completely disclosed.

In this position, he, at first, commanded, that the North Carolina troops which had stopped at Philadelphia, should join him; but on receiving information that a great part of the British fleet had fallen down to the Hook, these forces were stopped at Trenton, and General Sullivan was directed not to cross the North river. General Putnam, who now commanded at Peck's-kill, was cautioned to guard against any sudden attack from New York; success in which, would be the more deeply felt, in consequence of the loss of Ticonderoga, and Mount Independence, which had fallen into the hands of Burgoyne. The information, that part of the fleet had dropped down to the Hook, was soon followed by intelligence, that the shipping were moving from the watering place to New York, and that several transports, convoyed by a ship of war, had proceeded as high as Dobbs' ferry. The passes in the Highlands were now supposed to be certainly their object, and Sullivan, who had been advanced as far as New Windsor, was ordered immediately to cross the Hudson, and to take post in the rear of Peck's-kill, on the east side of that river. Lord Stirling was also commanded to cross the river and join General Putnam.

XII. The perplexities of this moment were cheered by the intelligence of the capture of Major-general Prescott, the commander of the British troops on Rhode Island. Believing himself perfectly secure, guarded by his cruizers and at the head of an army greatly superior to any force collected in the eastern department, he indulged in convenient quarters, distant from camp, and with few guards about his person. Information of this negligence being communicated to the main, Colonel Barton, of the Rhode Island militia, planned with success, the capture of the general, in his quarters. On the night of the 10th of July, with a party of about forty persons, including captains Adams and Phillips, in four whale boats, he crossed the water, a distance of ten miles, deceived the vigilance of the guard boats, landed, marched a mile to the general's quarters, seized the sentinel at the door, and one of the aid-de-camps, took the general from his bed, and without allowing him time to dress, carried him with secrecy and despatch to a place of safety. This clever exploit was the more highly appreciated, as it gave the Americans an officer of equal rank to exchange for General Lee. Congress presented Colonel Barton with a sword, as a mark of their approbation.

XIII. At length, the British fleet put to sea; having on board General Howe, and thirty-six British and Hessian battalions, including light infantry and grenadiers, with a powerful artillery, a New York corps, called the Queen's Rangers, and a regiment of light horse. The residue of the army was divided between New York and Rhode Island. On the receipt of the intelligence, the American army commenced its march, (July, 1777,) for the Delaware, under the conviction, that the fleet was destined for Philadelphia. But whilst preparing to meet Sir William Howe on a new theatre, the com-

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mander-in-chief took measures, also, to check the progress of Burgoyne; who, having obtained possession, by a greatly superior force, of Ticonderoga, and the lakes, was advancing southward towards New York. Letters were addressed to the governments of the eastern states, urging them to reinforce with their militia, the retreating northern army. Major-generals Arnold and Lincoln, both influential with the eastern militia, were directed to join it; and three brigades of New England continental troops from Peck's-kill, Morgan's rifle regiment, and two regiments from New York, were ordered upon the same service.

On the 30th July, the enemy's fleet appeared off the capes of the Delaware, and orders were given by Washington for concentrating his forces at Philadelphia. They were scarce issued, when a new disposition was occasioned, by tidings, that the fleet had departed from the Delaware Bay, and was proceeding eastwardly. No further intelligence of it was received, until the 7th of August, when it was seen a few leagues southward of the Delaware capes; after which it disappeared, and was not again heard of, until late in that month. Meanwhile, the most perplexing uncertainty concerning its destination, was universal. On entering the capes of the Delaware, the general was deterred by the difficulties of that river from ascending it, and resolved to proceed to the Chesapeake; but was prevented by contrary winds, from reaching the mouth of the latter bay, until the 16th of August.

Washington employed this interval in examining the country about Philadelphia, and the works below the city; and he came to the conclusion, that the defence of the river should be confined to the fort on Mud Island, and to Red Bank, a piece of high ground on the Jersey shore, opposite to the island. This opinion he communicated to Congress, with his intention to march to Coryell's ferry, (New Hope,) sufficiently near Philadelphia, whence he might readily regain the North river, should it be necessary. Upon the protracted absence of the British fleet, he determined to march thither, but on the very day of this determination, learned the arrival of the whole fleet in the Chesapeake.

XIV. The different divisions of the army were immediately ordered to unite, with the utmost expedition, in the neighbourhood of Philadelphia, and the militia of Pennsylvania, Maryland, Delaware, and the northern counties of Virginia to take the field. These orders were received by General Sullivan, who had been encamped in Jersey about Hanover, just on his return from an expedition to Staten Island. The British force there amounted to between two and three thousand men; of whom nearly one thousand were provincials, stationed at different places on the coast opposite the Jersey shore. The European troops, amounting to sixteen hundred men, were in a fortified camp near the watering place. General Sullivan thought it practicable to surprise and bring off the provincials before they could be supported by the Europeans; and he was the more stimulated to the attempt, by their occasional incursions into Jersey. They had lately penetrated as far as Woodbridge, and had carried off twelve individuals, noted for their attachment to the American cause.* This expedition was undertaken by Sullivan with the select troops of his division, aided by a few Jersey militia, under Colonel Frelinghuysen. They had to march about twenty miles to the place of embarkation; where, only, six boats had been procured. Three of these were allotted to Colonel Ogden, who commanded one detach-

* Mr. Stockton, member of Congress, and Mr. Fell, member of council, had previously been made prisoners, and the person, nay, the life of Governor Livingston was daily threatened. Two thousand guineas are said to have been offered by the enemy for his capture.

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ment intended to attack Colonel Lawrence, lying near the old Blazing Star ferry, and Colonels Dungan, and Allen, who lay about two miles from each other, towards Amboy. The other three were taken by General Deborre, accompanied by General Sullivan in person. He was to attack Colonel Barton near the new Blazing Star ferry, and, after securing that party, to assist Ogden. General Smallwood, with his brigade was to cross at Halsey point, and attack Buskirk's regiment near Decker's ferry. All the troops crossed before day, unperceived by the enemy. But, misconducted by his guides, Smallwood began his attack on a different point from that which was intended, in consequence of which, Buskirk's regiment made its escape; but Ogden and Deborre, were more successful. Lawrence and Barton were surprised, and, with several of their officers and men, were taken. The alarm being given, it became necessary for Sullivan precipitately to withdraw his forces from the island. It had been impracticable to obtain a sufficient number of boats to embark all the troops at the same time; and some confusion appears to have prevailed in this part of the business. General Campbell, with a considerable force advanced upon them; and the rear guard, after defending themselves for some time with great gallantry, were under the necessity of surrendering prisoners of war.

In his letters to the commander-in-chief, and to Congress, General Sullivan reported, that he had brought off eleven officers, and one hundred and thirty privates; and that a considerable number must have been killed in the different skirmishes. He stated his own loss to have been one major, one captain, one lieutenant, and ten privates killed, and fifteen wounded; and nine officers, among whom were Majors Stewart, Tillard, and Woodson, and one hundred and twenty-seven privates, prisoners.

In the account given by General Campbell, he claims to have made two hundred and fifty-nine prisoners, among whom were one lieutenant-colonel, three majors, two captains, and fifteen inferior officers.

XV. The British fleet ascended the Chesapeake Bay, and the Elk river; and on the 25th of August, landed the army at the ferry, without a show of opposition. Their whole force was computed at eighteen thousand men, in good health and spirits, trained to the service, abundantly supplied with the *materiel* of war, and led by a general of experience and military talent. If it were deficient in aught, it was in horses, which had suffered much during the preceding winter, and in the long voyage from New York to the Elk river.

Great effort was made to increase the American army. The militia responded to the call of their country in greater numbers than could be armed. The whole force was estimated at fifteen thousand, but the effectives, at not more than eleven thousand. Morgan's regiment of riflemen having been sent to the northern army, a light corps was formed by detachments from each brigade, and put under the command of General Maxwell; who, during the preceding winter, had acquired reputation as a partisan officer. This corps was thrown in advance of the American army, but was driven in by a column under Lord Cornwallis with considerable loss. The conduct of General Maxwell was much condemned by his officers, but he was acquitted of blame by a court-martial. Washington felt and deplored the absence of Morgan and his rifle corps. On the 3d of September, the British were encamped with their right about Pencader, with their left extending across Christiana creek, towards Newark. On the 5th, the whole American army, except the light infantry, took position behind Red Clay creek, having its left at Newport, on the Christiana, and on the road leading directly from the camp of Sir William Howe to Philadelphia. On the 8th, the main body of the enemy advanced by Newark upon the right of the American encampment, and took post within four miles of that place; whilst a strong column made a show of

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attacking in front, and after manœuvring for some time, halted at Milton, within two miles of the centre. General Washington perceived that the column in front was designed only to amuse, whilst the left should endeavour to turn his right, and, suddenly crossing the Brandywine, seize the heights on the north of that river, and cut off his communication with Philadelphia. To prevent this, he moved during the night over the Brandywine, and took post next morning behind the river, at Chad's Ford. The light corps under General Maxwell, was advanced in front, and the Pennsylvania militia under General Armstrong, were placed at a ford two miles below Chad's; the right extended some miles above that place, with a view to other passes deemed less practicable. In this position, the general awaited the movement of his adversary.

On the morning of the 11th, the whole British army advanced on the road leading over Chad's Ford, and the Americans prepared to defend the passage of the river. Some sharp skirmishing between the advanced column under Knyphausen, and the light corps of Maxwell, took place on either side, below the ford, with little damage to either party. About 11 o'clock, Washington, instructed that a division of the enemy had marched up the country, on the south of the Brandywine, formed the bold design of detaching Sullivan and Stirling to fall on its left, while he should cross the ford, and with the centre and left wing attack Knyphausen. At the critical moment, unhappily, erroneous intelligence was received that the movement of the British on the left, was a feint only; and about two o'clock, it was ascertained that a column, led by Cornwallis, having taken a circuit of seventeen miles, had passed the river above its forks, and was advancing in great force. The divisions of Sullivan, Stirling, and Stephens, marched to meet it; and that lately commanded by Lincoln, now by Wayne, remained at Chad's Ford, with Maxwell's corps, to check Knyphausen; whilst Green's division, and General Washington in person, formed a reserve and took a central position.

The divisions detached against Cornwallis, had scarcely formed on advantageous ground, above Birmingham meeting-house, when the attack commenced, at about half past four o'clock, and was for a season firmly sustained. The American right first gave way, exposing the flank of the remaining divisions to a galling fire; and in a short time, the whole line was routed. General Washington pressed forward to support this wing, but arrived only in time to check the pursuit. This service was efficiently rendered by a Pennsylvania regiment under Colonel Stewart, and a Virginia regiment under Colonel Stephens. Whilst the right was thus engaged, Knyphausen forced the ford. The whole American army retreated that night to Chester, and the next day to Philadelphia. Its loss was estimated at three hundred killed and six hundred wounded, and three or four hundred, principally of the wounded, made prisoners. That sustained by the enemy was reported at one hundred killed, and four hundred wounded. Among the wounded of the Americans, were Brigadier-general Woodford, and the Marquis de La Fayette.

XVI. The disposition to risk another battle was general, on the part of Congress, and the army. An opinion prevailed, which was carefully cherished, that the British had gained, only, the ground. Fifteen hundred continental troops were ordered from Peck's-kill, and directions given to the militia of New Jersey, Pennsylvania, and the remaining adjacent country, to march to the aid of the army, whilst due measures were taken to complete the defences of the Delaware river.

Sir William Howe, lay on the night of the 11th, on the field of battle. On the succeeding day, Major-general Grant, with two brigades, took post at Concord meeting-house. On the 13th, Lord Cornwallis having united with

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Grant, marched towards Chester. Another detachment seized Wilmington, whither the wounded were escorted.

XVII. On the 15th, the American army was again collected, and intending to gain the left of the British, had reached the Warren tavern, on the Lancaster road, when intelligence was received of the approach of the enemy. Washington hastened to meet, and attack him in front. Both armies, eager for battle, had scarce engaged, when they were separated by a tremendous storm of rain, which rendered the retreat of the Americans indispensable. The wretched condition of their arms, produced, at all times, an inequality between them and the British; and, on this occasion, caused them the most imminent peril. Such was the effect of the rain upon the muskets and cartridge boxes, that of the former, scarce one in a regiment could be fired; and in the latter, of forty rounds per man, scarce one was fit for use. The retreat was continued all the day, and the greater part of the night, through a cold and most distressing rain, and very deep roads, to the Yellow Springs; and subsequently, to Warwick Furnace, on French Creek.

The weather, which compelled the flight of the American, arrested the progress of the British, army; and, until the 18th, it made no other movement, than to unite the columns. It then took post at Trydriffin, whence a party was detached to destroy a magazine of flour and other stores, at the Valley Forge. The American commander, as soon as circumstances would permit, ordered General Wayne to join General Smallwood, in the rear of the enemy; and, carefully concealing himself and his movements, to seize any occasion which might offer, to engage them with advantage. Meanwhile, he himself crossed the Schuylkill at Parker's ferry, and encamped on both sides of Perkiomen Creek; posting detachments at the several fords, by which it was presumed the enemy would attempt a passage.

XVIII. Wayne had taken a position near the Paoli tavern, about three miles in the rear of the left wing of the British. Notwithstanding his precautions he was betrayed by some of the disaffected inhabitants; and about eleven o'clock of the night of the twentieth, was surprised by a party of the enemy under Major-general Gray. His pickets were driven in, and gave the first intimation of Gray's approach. Wayne, instantly, formed his division; and whilst his right was fiercely assailed, directed a retreat by the left, under cover of a few regiments, who, for a short time, withstood the shock. The British, aided by the light of the American fires, put to death three hundred of his troops, by the free and exclusive use of the bayonet; sustaining a loss, themselves, of eight men, only. In consequence of animadversions on his conduct, Wayne demanded a court-martial, which unanimously acquitted him with honour.

XIX. Sir William Howe marched from his position, along the valley road to the Schuylkill, and encamped on the banks of the river, his line extending to French Creek, along the front of the American army. This arrangement seeming to threaten Reading, which contained a large depot of stores, Washington changed his position and marched towards Pottsgrove, with his left above, but near, the British right. This movement left the roads to Philadelphia open to the enemy, and the capture of the city could be prevented, only, by an engagement. Though urged to this, by public opinion, Washington prudently declined it. His forces were not concentrated. Wayne and Smallwood had not joined him, nor had he received the Jersey militia he expected under General Dickenson. Of the actual state of his army, it may be enough to say, that more than a thousand of his troops were barefooted, and had performed the late evolutions in that condition. The want of necessaries was such, that Colonel Hamilton, one of the general's aids, had been authorized and employed to take forcible possession of

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such linen, woollens, shoes, spirits, and other stores, as might be found in Philadelphia, giving certificates of quantity and value to the owners. "Your own prudence," said the general to him, "will point out the least exceptionable means to be pursued; but remember, delicacy and a strict adherence to the ordinary mode of application must give place to our necessities." But no effort could obtain a supply for the pressing and growing wants of the army. The duty of securing the public stores, was, also, assigned to Colonel Hamilton, which he executed by transporting them up the Delaware. On the twenty-sixth of September, Lord Cornwallis, at the head of the British and Hessian grenadiers, entered Philadelphia, and the main body of the British army encamped at Germantown.

XX. On the loss of the battle of the Brandywine, Congress resolved to remove to Lancaster. At this town they assembled on the twenty-seventh of the month, and soon after adjourned to Yorktown.

XXI. To the secure possession of the city and the comfort of his army, General Howe found the free navigation of the Delaware indispensable. But of this, he was wholly debarred by the fortifications, of Fort Mifflin, on Mud Island, at the confluence of the Schuylkill and the Delaware, and of Red Bank on the eastern shore; and by the *chevaux de frise* sunk in the channel, between these batteries, and at a point three miles below, opposite to Byllingsport, where some imperfect works had been erected for their protection. Whilst these defences were maintained, Howe could not communicate with his fleet; and the American vessels in the river, above the forts, would prevent him from foraging and obtaining provisions in New Jersey; whilst the army of Washington might cut off his supplies from Pennsylvania. The disadvantages resulting from the vessels, however, were soon diminished by the capture of the Delaware frigate, the largest of them.

Some British ships of war were already in the Delaware, and Captain Hammond, who commanded one of them, represented, that the possession of the fort at Byllingsport, which was feebly garrisoned, would enable him to raise the lower line of obstructions, and admit the fleet to Fort Mifflin. On the twenty-ninth of September, Colonel Stirling, with two regiments, captured it, without opposition; the garrison, on his approach, having spiked the artillery, and fired the barracks, withdrew without discharging a gun. This service performed, the detachment returned to Chester. On the third of October, another regiment was called from Germantown to Philadelphia, with orders to unite, on the next day, with Colonel Stirling.

Washington had now received all the reinforcements he expected; consisting of nine hundred continental troops from Peck's-kill, under General M'Dougal; about six hundred militia from Jersey, under Brigadier-general Forman, (General Dickenson having been detained by the apprehension of a second invasion from New York) and about eleven hundred from Maryland, under General Smallwood. His effective strength, rank and file, amounted to eight thousand continental troops and three thousand militia. With this force, he, on the thirtieth of September, took a position on the Skippack road, twelve miles from the enemy's camp, sixteen from Germantown, and twenty from Philadelphia. The line of encampment of the British army crossed Germantown at right angles with the main street, somewhat south of its centre, the left wing extending to the Schuylkill. Lord Cornwallis continued at Philadelphia.

Washington observing this division of the British force, formed the design of surprising the camp at Germantown, and thus giving a blow, which might decide the fate of the war. He proposed a simultaneous attack upon the wings, front and rear, which should be suddenly and vigorously made, and from which, the troops might expeditiously retreat, if it were unsuccessful.

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Pursuant to his plan, the divisions of Sullivan and Wayne, flanked by Conway's brigade, were ordered to enter Germantown, by the way of Chesnut Hill, while General Armstrong, with the Pennsylvania militia, should fall down the Manatawny or Ridge road, and gain the British left, and by Vandeering's or Robinson's Mill, attack its rear: the divisions of Greene and Stephens, flanked by M'Dougal's brigade, to take a circuit by way of the Limekiln road, and entering the town at the market house, attack the right wing: the militia of Maryland and Jersey, under Generals Smallwood and Forman, to march by the Old York road, and turning the right, to fall on its rear: the division of Lord Stirling, and the brigades of Nash and Maxwell to form a corps de reserve: and parties of cavalry silently to scour the roads to prevent observation, and to keep up the communication between the heads of the columns.

XXII. With these dispositions the army moved on the third of October, about seven in the afternoon. About sunrise the next morning, the advance of the column led by Sullivan, encountered and drove in a picket placed at Mount Airy, or Mr. Allen's house.

The main body followed close, driving before it the fortieth regiment, commanded by Colonel Musgrave, until that officer threw himself, with six companies, into the large stone house of Mr. Chew, from which they galled the Americans, with a heavy and constant fire of musketry. Some attempts to storm this house, and an effort to bring a field piece to bear upon it, broke the line of the right wing, and with the darkness caused by an extraordinary fog, threw it into great confusion. The column led by Greene, arrived on its ground, and commenced an attack on the light infantry, in front of the British right wing. It was at first successful, and after driving in the pickets, forced the battalion of light infantry to give way.

The country through which the army was advancing, abounded with many small and strong enclosures, which broke the line, in every direction; the fog obscured surrounding objects, and the commander-in-chief, could neither observe nor correct the confusion that commenced. The causes which separated the regiments, prevented them from discerning the situation of the enemy, and from improving the first impression, and directing their after efforts to advantage. The attacks on the flanks and rear were not made. The Pennsylvania militia came in view of the chasseurs, who flanked the left of the British line, but did not engage them, closely. The Maryland and Jersey militia just showed themselves, on the right flank, about the time Greene's column was commencing a retreat.

These embarrassments gave the British time to recover from the consternation into which they had been thrown. Knyphausen, who commanded their left, detached one battalion to support the chasseurs; and part of the third and fourth brigades, under Generals Gray and Agnew, to attack the front of the column led by Sullivan, which had penetrated far into the village. Scott's and Muhlenberg's brigades were surrounded and made prisoners. The broken parts mistook each other for the enemy, and, whilst warmly engaged and sanguine of success, the main body of the army began to retreat. Washington was compelled to relinquish a victory he thought within his grasp, and to endeavour to secure his army. His retreat was, however, made without loss; the enemy being unable to pursue. In the battle, about two hundred were killed and six hundred wounded. The principal damage was sustained from Chew's house, and in Germantown. About four hundred were made prisoners. Among the killed was General Nash of North Carolina; and among the prisoners, Colonel Matthews of Virginia. The British loss, as stated by General Howe, was one hundred killed and four hundred wounded. Among the former were Brigadier-general Agnew and

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Colonel Bird. The grenadiers in Philadelphia, under Cornwallis, hastened to the field of battle on the first alarm, running the whole distance, and reaching it, as the action terminated.

The American army retreated, the same day, about twenty miles, to the Perkiomen Creek; but soon after, resumed its former encampment on the Skippack.

XXIII. Immediately after the battle of Brandywine, New Jersey was required to furnish the army with reinforcements of militia, and General Putnam to detach fifteen hundred continental troops; and, at the same time, to cover the Jerseys with an equal number. The militia of Connecticut were relied upon to supply the vacuum in the posts on the North river, occasioned by these heavy draughts. These troops were, however, detained by the demonstrations made from New York. Sir Henry Clinton who commanded there, supposed, that, an alarm might serve both Howe and Burgoyne, by diverting, for a time, the aids which were designed for Washington and Gates. With this view, he entered East Jersey, at the head of three thousand men, by the way of Elizabethtown Point and Fort Lee; the columns uniting at the New Bridge, above Hackensack, on the twelfth of September. They encountered little opposition, and collected, on their way, large quantities of fresh provisions. About the fifteenth, observing that the continental troops under M'Dougal were approaching, and that, General Dickenson, with great exertion, was assembling the Jersey militia, he returned to New York and Staten Island, having lost in the excursion, only eight men killed and sixteen wounded. The supply of militia, for the continental army, collected very slowly, notwithstanding the efforts of Governor Livingston and General Dickenson. Accustomed to judge for themselves, they declared, that the danger of another invasion, rendered their services essential on the eastern frontier. Five or six hundred, however, crossed the Delaware at Philadelphia, about the time Sir William Howe passed the Schuylkill, and were employed in the removal of stores. As the enemy approached the city they retired from it, by the Frankford road; but the commanding officer having separated himself from his corps, was captured by a small party of the British light horse; on which the regiment dispersed and made its way, by different roads, to New Jersey. With much labour General Dickenson had collected two other corps, amounting to nine hundred men, with whom he was about to cross the Delaware, when he received intelligence of the arrival from Europe, of an additional force at New York. He returned, himself, with part of his levies, from Trenton toward Elizabethtown, whilst the remainder proceeded to Pennsylvania, under General Forman; but they, immediately after the battle of Germantown, were discharged.

XXIV. The attention of both commanders was, now, almost wholly given to the Delaware;—the one to remove, the other to sustain, the impediments to its navigation. Lord Howe had early brought round the ships of war and transports from the Chesapeake, and they were stretched along the Delaware shore from Reedy Island to Newcastle. But, although, with great difficulty, the *chevaux de frise* had been raised from the channel opposite to Byllingsport, so as to admit the passage of vessels of force, it was impracticable to proceed above the line from Fort Mifflin to Fort Mercer, or Red Bank. Every effort was consequently made for the destruction of these forts. Batteries were erected on the Pennsylvania shore, to play upon Mud Island, whilst a fierce attack was directed against the redoubts on the Jersey shore.

XXV. On the twenty-first of October, Colonel Count Donop, a distinguished German officer crossed the Delaware at Cooper's Ferry, at the head

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of a detachment of Hessians, amounting to about twelve hundred men, in order to proceed the next day to the attack of Red Bank.

It was part of the plan, that, so soon as the assault should commence, a heavy cannonade on Fort Mifflin should be made from the batteries on the Pennsylvania shore; and that the Vigilant ship of war, should pass through a narrow channel between Hog Island, next below Mud Island, and the Maine, so as to attack the fort in the rear. Meanwhile, to divert the attention of the garrison and marine force, from the Vigilant, and other serious attacks, the advanced frigates, with the Isis and Augusta, were to approach Fort Mifflin in front, by the main channel, as far as the impediments would admit, and to batter the works.

The fortifications at Red Bank consisted of extensive outer works, within which, was an intrenchment eight or nine feet high, boarded and fraized, on which Colonel Greene of Rhode Island, the commander, had bestowed great labour. Late in the evening of the 22d, Count Donop attacked it with great intrepidity; it was defended with equal resolution. The outer works being too extensive to be manned by the garrison, which did not exceed five hundred men, were only used to gall the assailants; and on their near approach, were abandoned by the Americans, who retired within the inner intrenchment, whence they poured upon the Hessians, pressing on with great gallantry, a most destructive fire. Colonel Donop, leading his troops, received a mortal wound, and Lieutenant-colonel Mingerode, second in command, fell about the same time. Lieutenant-colonel Linsing drew off the detachment; and being favoured by the darkness of the night, collected many of the wounded. He marched about five miles that night, and returned next day to Philadelphia. The loss of the assailants was estimated at four hundred men. The garrison, reinforced from Fort Mifflin, and aided by the gallies, which flanked the Hessians both advancing and retreating, fought under cover, and lost only thirty-two, killed and wounded. It would appear from the statement given by General Howe of this enterprise, that the inner works could not be carried without scaling ladders, which had not been furnished.

In performance of the part of the plan allotted to the navy, the Augusta, a sixty-four gun ship, the Merlin sloop of war, and four smaller vessels, strove to get within cannon shot of Fort Mifflin. But the two first got aground, and were, on the next day, set on fire and abandoned. The Augusta blew up. The repulse of the Hessians from Fort Mercer, and the able defence of Colonel Smith, at Fort Mifflin, inspired Congress with hopes, that these posts might be permanently maintained; and that body voted a sword to each of these officers, and one to Commodore Hazlewood, who commanded the gallies, as a testimony of the national gratitude.

XXVI. On the march of Donop to Jersey, Washington presumed, that his design was not to carry Fort Mercer by storm, but regularly to invest it. Immediate efforts were, therefore, made to get out the Jersey militia; but owing to the perpetual calls for service, on the eastern frontier, and there being, at the moment, no governor in the state, the gubernatorial term having expired before the re-election, a very inefficient force was gotten into the field; and had not General Dickenson ventured to give orders by his own authority, none would have been put in motion. Unable to obtain a sufficient aid from Jersey, Washington, on the twenty-ninth of October, sent over some Pennsylvania militia; and a few days after, General Varnum, with his brigade, were posted about Woodbury, having orders to relieve and reinforce both forts, as his strength would permit. General Forman, with such militia as could be brought into the field, was directed to join him.

XXVII. The operations of the enemy against Fort Mifflin, were uninter-

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rupted. They had command of the Schuylkill, and of Province and Carpenter's islands, at its mouth. On both, batteries had been constructed, to play on the fort, from which they were separated by a narrow passage, between four and five hundred yards wide, in which were floating batteries. They had driven thence the American moveable water force, originally relied on, for security in that quarter. Its chief employment, now, was to defeat preparations making at Philadelphia against the fort, by descending the river. The garrison consisted of three hundred continental troops, only; a number insufficient to place a single line around the works.

On the 10th November, a new and large battery was opened from Province Island, which kept up an incessant fire throughout that day, and several successive days. The block-houses of the fort were reduced to a heap of ruins, the palisades were beaten down, and most of the guns dismounted, or otherwise disabled. The barracks were battered in every part, so that the troops could not continue in them. The night was spent in repairing the damages of the day, and guarding against storm, of which they were in perpetual apprehension. If in the day a few moments were allowed for repose, it was taken on the wet earth, rendered, by the heavy rains, a soft mud. The garrison was relieved by General Varnum every forty-eight hours, and one-half of his brigade was constantly on duty. Colonel Smith, with the concurrence of General Varnum, believed the garrison ought to be withdrawn. But the commander-in-chief cherished the hope that it might be maintained, until he, reinforced by the northern army, could make a successful effort for its protection; and therefore he directed that it should be defended to the last extremity. Never were orders better obeyed. On the 11th, Colonel Smith was wounded, and was obliged to yield the command, which was taken first by Colonel Russell, and afterwards by Major Thayer. On the 15th, the enemy brought up their ships so far as the obstructions would permit, and having discovered that the channel between Mud and Province Islands would admit of large vessels, introduced a frigate and sloop of war, within one hundred yards of the works. They not only kept up a most destructive cannonade, but threw hand grenades into them; and the musketry from the round-top of the frigate, killed every man that appeared on the platform. Orders were given to Commodore Hazlewood, to attempt the removal of these vessels, but he deemed it impracticable. The place was consequently no longer tenable, and at 11 o'clock of the night of the 16th, the garrison was withdrawn.

From the position of Fort Mercer, its safety depended, almost wholly, upon the possession of Fort Mifflin. Still it was resolved to defend it. On the 17th, Cornwallis marched against it by the way of Chester; and, notwithstanding General Washington was apprized of his intention, no effort which he could make could bring together, in season, a sufficient force to protect it, and the fort was evacuated. A few of the smaller American galleys escaped up the river, the rest were captured or burned. The passage of the Delaware was thus opened.

Lord Cornwallis, with a force of about five thousand men, availed himself of this incursion, to collect large quantities of fresh provisions for the relief of the British army, and had taken post on Gloucester Point, which was entirely under cover of the guns of the ships. General Greene commanded an almost equal body of troops in New Jersey, a part of which was militia, and awaited the arrival of Glover's brigade from the north, in order to take offensive measures against Cornwallis. But an attack upon the British, in their present advantageous position, would have been unwarrantable. Yet, a small, but brilliant affair was performed, by a detachment of about one hun-

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dred and fifty men from Morgan's rifle corps, under Lieutenant-colonel Butler, and a like number of militia, under the Marquis La Fayette, who served as a volunteer. They attacked a picket of the enemy, consisting of about three hundred men, and drove them, with the loss of twenty or thirty killed, and a great number wounded, quite into their camp; retiring themselves without pursuit. "I found the riflemen," said La Fayette, in a letter to Washington, "even above *their* reputation, and the militia above all expectation I could have formed of them." Cornwallis, soon after, returned to Philadelphia, and Greene joined the main army under the commander-in-chief.

XXVIII. During these transactions on the Delaware, General Dickenson, whose perfect knowledge of the country gave every hope of success, made another attempt to cut off Skinner's brigade of loyalists, stationed on Staten Island. He collected about two thousand men, and requested from General Putnam, commanding the continental troops, a diversion on the side of King's Bridge, in order to prevent a sudden reinforcement from New York. As his success depended upon secrecy, he concealed his object even from his field officers, until eight o'clock of the night on which it was to be executed; yet, by three next morning, Skinner was apprized of his intention, and saved his brigade by retiring into works too strong to be carried by assault. In the flight, a few prisoners were made and a few men killed. General Dickenson returned with the loss of three killed and ten slightly wounded.

XXIX. By the capture of Burgoyne and his army, part of the force of the northern department might be called to Philadelphia. But neither General Gates nor General Putnam were disposed to part, readily, with their troops. A considerable portion of them, however, after some delay, reached the camp under General Washington, whose army, thus reinforced, amounted to twelve thousand one hundred and sixty-one continental troops, and three thousand two hundred and forty-one militia. The force of the enemy, with some detachments lately received from New York, has been stated, variously, at from twelve to fourteen thousand men. This equality induced many persons to urge upon the commander-in-chief, an attack upon Howe in Philadelphia, notwithstanding that position was covered by the Delaware on the right, by the Schuylkill on the left, by the junction of these rivers on the rear, and by a line of fourteen redoubts on the front, extending from river to river, connected by abbatis and circular works. Happily, the prudence of the general, sustained by the advice of his superior officers, resisted the effort.

XXX. Master of the river Delaware, from Philadelphia to the sea, and of the country on both shores to the south, the British general was relieved of the apprehension of suffering from a scarcity of provisions, and was at leisure to turn his whole force upon the American army, circumscribing him on the north and west; which he proposed not only to force from its present position, but to drive beyond the mountains.

On the fourth of December, General Washington was apprized that an attempt would be immediately made upon his camp at White Marsh; and on the evening of the same day, Sir William Howe marched from the city with his whole force. About eleven at night, Captain Allen M'Lane, who had been detached with one hundred men, selected from several divisions, fell in with and attacked the British van, at the Three Mile Run, on the Germantown road, compelling their front division to change their line of march. At three next morning, the advancing army encamped on Chesnut Hill, in front of the American right, and distant from it three miles. Three days were spent in various manœuvres by the British forces, during which there were several skirmishes, with Morgan's riflemen and some militia under General

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Irvine of Pennsylvania. The general was wounded, and with a small portion of his detachment, made prisoner. A general action was hourly expected, but Howe would not attack the American camp, admirably placed; nor would Washington engage in a position less advantageous. He desired to be attacked, and felt confident that Sir William Howe, strongly enforced, would not march out with his whole army, only, to march back again. But, on the morning of the nineteenth, he filed off from the right by several routes, in full march for Philadelpha. This movement prevented the execution of a daring design of the American general, (formed on observing the caution of Howe,) to surprise and seize Philadelphia.*

XXXI. The season had now become extremely severe, and it was impossible, without intense suffering, for an army so wretchedly furnished as was the American, longer to keep the field, in tents. That it might still continue to cover the country, it was resolved to take a strong position at the Valley Forge, and there to erect huts in the form of a regular encampment. Thither the army was removed on the 12th of December. Its course from White Marsh, might have been tracked by the blood which flowed from the bare feet of the soldiery. Though somewhat more comfortable in their huts, their winter was one of great privation and suffering, the details of which are foreign from our present purpose.

In order to have a full view of the campaign of 1777, it will be necessary that we, successively, narrate the progress of General Burgoyne, and the circumstances which produced the important event of his capture.

XXXII. When General Carleton had retired into winter quarters, General Burgoyne, who had served under him, returned to England, to communicate fully to the administration, the condition of affairs in the northern department, and to make arrangements for the ensuing campaign. With the cabinet, he digested a plan for penetrating to the Hudson, from Canada, by way of the lakes. A formidable army was to be put under his command, to proceed against Ticonderoga as soon as the season would permit; whilst a smaller force, under Col. St. Leger, composed of Canadians, American refugees, a few Europeans, and many Indians, should march from Oswego, by way of the Mohawk, and unite with the grand army on the North river.

* Mr. Marshall says, vol. iii. p. 289, Life of Washington, "Captain Allen M'Lane discovered, that an attempt was about to be made to surprise the camp at White Marsh," &c. Another version is given of this matter, by the American Quarterly Review, vol. i. p. 32, 1827. Possibly the officer to whom information was given was M'Lane instead of Craig. Both accounts, however, may be true. By the last it seems, that some British officers occasionally met for conference, at the house of William and Lydia Darrach, Quakers, resident in the city. On the second of December, they requested that the family would retire early in the evening, as they would be at their room, and remain late; and added, that, when about to depart, they would call the wife to let them out. Curiosity, the first tempter, induced Lydia to approach the door of the conference chamber, shod in felt, only, and to put her ear to the key hole, where she heard, in detail, the plan of attack for the fourth. Under pretence of procuring flour from Frankford, she obtained a pass from Sir William Howe. Leaving her bag at the mill, she hastened towards the American lines, and encountered on the way, the American Colonel Craig, of the light horse; to whom she communicated the important information. The necessary preparations were, of course, made. Lydia returned home with her flour; and anxiously awaited news of the event; but when the British returned, did not dare to ask a question. On the next evening, one of the officers who frequented the house, requested her to come to his room, that he might submit some questions to her. He inquired, earnestly, whether any of her family were up, the last night he was there. She told him, that all had retired at 8 o'clock. He observed, "I know *you* were asleep, for I knocked at your chamber door, three times, before you heard me. I am entirely at a loss, to imagine who gave General Washington information of our intended attack. When we arrived near White Marsh, we found all their cannon mounted, and the troops prepared to receive us, and we have marched back like a parcel of fools."

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The invading force, immediately under the commander-in-chief, amounted to about 9000 men. He was supported by Major-general Phillips, of the artillery, Major-general Reidesel, and Brigadier-general Sprecht, of the German troops, together with the British Generals, Frazer, Powell, and Hamilton; all officers of distinguished merit. The detachment under St. Leger, consisted of about 1800 men; one-half of whom were Indians; and the greater proportion of the other half, American loyalists, under the command of Sir John Johnstone. A considerable force was left in Canada, under Sir Guy Carleton, whose military command was restricted to the province. This able and humane officer, though indignant at having been suspended, displayed the greatness of his mind, by his ready and effective assistance, in promoting the objects of the campaign.

XXXIII. The northern American army, which had been formed only for the year, dissolved with that term. So far from being in condition for offensive operations, scarce a show of defence could be preserved in the forts. The charge of this frontier was assigned to troops to be furnished by Massachusetts, New Hampshire, and the north-western parts of New York; but the recruiting proceeded so slowly, that it became necessary to call in the aid of the northern militia. General Gates, having joined General Washington, this department was solely under the command of General Schuyler, who failed in no effort to fulfil its duties. His plans for the ensuing campaign required 15,000 men; a very small portion of which could be supplied to him in season. The services of this officer had been more solid than brilliant, and were not, generally, nor duly, appreciated. Dissatisfied with their acceptation, his resignation was delayed, only, by patriotic motives. When the fear of a winter attack upon Ticonderoga had been removed, by the open state of Lake Champlain, he repaired to Congress to have his complicated accounts adjusted, his conduct inquired of, and his plans of future action approved and sustained. When his many and arduous services had, thus, became fully known, Congress deemed it essential to the public interests, to prevail on him to retain his commission. Repealing the resolution of the 6th March, 1776, which fixed his head-quarters at Albany, they directed him on 22d May, 1777, to assume the command of the whole northern department, consisting of Albany, Ticonderoga, Fort Stanwix, and their dependencies.

XXXIV. Sensible of the dangers which surrounded him, he made every exertion to meet them; visiting in person the several posts, and obtaining supplies of provisions. He was at Albany, for these services, and for hastening the march of reinforcements, when he received intelligence, from General St. Clair, commanding at Ticonderoga, that General Burgoyne had appeared before that fortress.*

The royal army approached by the unimpeded route of the lake; and advanced from Crown Point, with equal caution and order, on both sides of the strait, through which their naval force proceeded. In a few days they surrounded three-fourths of the American works at Ticonderoga and Mount Independence, and erected a battery on Sugar Hill, commanding both positions. The defence of the lines required ten thousand men; the actual force within them, was twenty-five hundred and forty-six continentals, and nine hundred militia, badly equipped, worse armed, and with provisions for twenty days, only. Had it been practicable to obtain an accurate knowledge of the strength of the besieging army, in due season, prudence would have required the abandonment of the post and removal of the stores, before its close approximation. Under existing circumstances, speedy retreat of the garrison was indispensable to the safety of the troops; and though General

* July 1st, 1777.

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St. Clair knew, that the whole country relied, confidently, on the maintenance of the post, he wisely and heroically resolved, with the unanimous consent of his officers, to abandon it, and to preserve his army, if possible, for a future service. The execution of this resolution astounded and disgusted the nation; but its propriety became evident, so soon as circumstances permitted inquiry. A few days before the place was invested, General Schuyler, from the inspection of the muster rolls, and other reports alike erroneous, had stated the strength of the garrison at five thousand men, and its provisions abundant; and the invading force was, generally, supposed to be inferior. When, therefore, it was known, that the fortifications, on which much money and labour had been expended, and which were deemed the key of the whole western country, had been abandoned without an effort to sustain them—that an immense train of artillery, consisting of one hundred and twenty-eight pieces, and all the baggage, military stores, and provisions, had fallen into the hands of the enemy—that the army on its retreat, had been attacked, defeated and dispersed, astonishment pervaded all ranks of men, and the conduct of the officers was universally condemned. Congress directed a recall of all the generals of the department, and an inquiry into their conduct. Through New England, especially, the most malignant aspersions were cast on them; and General Schuyler, who, from some unknown cause, had never been viewed with favour in that part of the continent, was involved in the common charge of treason, to which this accumulation of unlooked for calamity was generally attributed, by the mass of the people. On the representation of Washington, the recall of the officers was suspended, until he should be of the opinion, that the state of things would admit such a measure. Gates, however, was directed to take the place of Schuyler. This substitution was warranted by policy; since it put at the head of the department, a general who enjoyed the public confidence, in the place of one who had lost it.

On abandoning the fort, St. Clair retreated rapidly to Castletown, thirty miles from Ticonderoga. In the pursuit, the enemy, with eight hundred and fifty men, under General Frazer, came up with his rear guard, under Colonel Warner, which, amounting to about one thousand men, had halted six miles short of that place. A sharp action ensued, terminating in the dispersion of the Americans, with great loss, by the aid of General Reidesel, who arrived with his division of Germans, during the heat of the contest. About the same time, Colonel Long was driven, with his detachment, from Skeenesborough, and the stores there collected, comprising nearly all that had been saved from the garrison, were destroyed. Long retired to Fort Anne, and soon afterwards to Fort Edward, the head-quarters of General Schuyler; whither St. Clair, after collecting the scattered remains of his army, also, retreated.

XXXV. Burgoyne remained some days at Skeenesborough, to collect and refresh his men; whilst Schuyler employed himself in removing the stores from Fort Edward, sweeping the country of every thing which could sustain an enemy, and throwing obstructions into the streams and roads, to check his course. Nor did he cease his endeavours to arouse the surrounding country to activity. Great exertion was also made by General Washington, to re-establish the northern army. Troops, artillery and ammunition, were despatched from Massachusetts and Peck's-kill. Generals Lincoln and Arnold, popular officers, especially, with their countrymen, and the not less popular Colonel Morgan, with his indefatigable rifle corps, were ordered to repair to it. In the very success of Burgoyne, this able and prudent man saw the source of his defeat, and foretold "that the confidence derived from success," would hurry him into measures that would effect his ruin.

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In dispersing the American army, the British general had not completed half that was necessary, to enable him to reach the Hudson. The country through which he was to pass was in a great measure, in a primitive condition. Its roads bad, at the best, were obstructed by hundreds of trees, which had been felled across them. The bridges were broken down, and his provisions, batteaux, and artillery, were to be transported over this almost impassable route. Checked by these impediments, he did not reach that river, in the neighbourhood of Fort Edward, until the 30th of July. Schuyler, who had been daily gathering strength, but not yet strong enough to meet him, on his approach, retired over the Hudson to Saratoga, a few miles below that place, and soon after, to Stillwater, near the mouth of the Mohawk; where he fortified a camp, in hopes that he should soon be in condition to defend it.

But he did not confine himself wholly to defensive operations. The advance of Burgoyne left the posts in his rear uncovered, and General Lincoln was ordered, instead of immediately joining Schuyler, to attempt, with about two thousand men, to cut off the communication of the British with the lakes; whilst Arnold was despatched with three continental regiments to raise the siege of Fort Schuyler, which had been commenced by St. Leger, and to prevent the junction of the two portions of Burgoyne's army.

XXXVI. On the 3d of August, St. Leger invested Fort Schuyler, formerly Fort Stanwix. It was garrisoned by six hundred continental troops, commanded by Colonel Gansevoort. On his approach, General Herkimer assembled the militia of Tryon county, for the purpose of relieving the garrison. Gansevoort, apprized of this intention, resolved on a vigorous sortie, to second it. Unhappily, St. Leger had learned the movement of the former, and formed an ambuscade, into which Herkimer fell. His party was defeated with great slaughter; and the general and many officers were wounded. Its entire destruction was prevented by the timely sortie, under lieutenant-colonel Willet, who fell upon the feebly guarded camp of the besiegers, drove the soldiery into the woods, and brought off considerable plunder, several Indian weapons, and other articles much valued. His party killed several of the enemy, of whom were some Indian chiefs.

But a change was about to come over the fortune of Burgoyne. His star had reached its culminating point, and its decline was as rapid as its ascension. Fort Schuyler was well fortified, and held out. The Indians of St. Leger, always fickle, never persevering in continuous labour, became disgusted with the service, and impatient of the losses which they had sustained in the late skirmishes. At length, learning that Arnold was advancing, and a report prevailing, that Burgoyne had been routed, part of them slunk away, and the remainder threatened to follow. The siege was raised with great precipitation; the tents left standing, and the artillery, with great part of the baggage, ammunition, and provisions, fell into the hands of the Americans. The retreating army was pursued by a detachment from the garrison; and the Indians plundered the remaining baggage of the officers, and massacred such soldiers as could not keep up with the line of march. St. Leger returned to Montreal, whence he proceeded to Ticonderoga, with intention to join Burgoyne by that route.

XXXVII. To prevent relief to the garrison of Fort Schuyler, an attack on the American army was suggested by St. Leger; and Burgoyne was well disposed to an immediate and rapid movement down the Hudson, in hopes thereby, to drive his enemy before him, and free the whole of the upper country. But his supply of provisions was with great difficulty kept up, and such a movement would greatly increase that difficulty, as the communication with Fort George, already endangered by the body of militia assembling at White Creek, must be preserved by larger detachments from his army than

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he was in condition to make. In this dilemma, he resolved to attempt the large magazines of provisions at Bennington. Lieutenant-colonel Baum, with about five hundred men, was detached upon this service, to facilitate which, Burgoyne moved down the Hudson, and threw part of his army across it to Saratoga; and Lieutenant-colonel Brechman with his corps, was ordered to support Baum. Happily, General Stark, with the New Hampshire militia, was now at Bennington, on his way to camp, together with the remains of Colonel Warner's continental regiment; making in the whole, a force of two thousand men. Apprized of his danger, Baum entrenched himself four miles from the town, and despatched an express for a reinforcement. But before Brechman could arrive, Stark carried the works by assault, and the greater part of his detachment was killed or taken prisoners. Brechman came up in time to encounter the pursuing Americans, and he also, was compelled to retreat with the loss of many men, his artillery and baggage. Five hundred and sixty-four privates were taken prisoners, but the number of killed could not be ascertained; the most important acquisition, at the moment, of one thousand stand of arms, and nine hundred swords, was obtained.

XXXVIII. These fortunate affairs had the most important consequences. The whole Mohawk country was liberated from the foe—the Americans were at liberty to unite the whole of their forces in the northern department against Burgoyne—the militia and continental troops recovered confidence in themselves—the opinion prevailed, that the enemy was already beaten, and that the assembling of the great body of the militia, only, was necessary to compel him to yield his arms. The disaffected became timid, and the wavering were no longer disposed to join an army whose capture was doomed. But other causes, also, united to produce the great result. Vengeance for the barbarities of the savages, fired every breast, and overcame the terror they had created; the last reinforcements of continental troops had arrived—the harvest which had detained the militia was gathered, and General Gates had succeeded the unfortunate, unpopular, but meritorious Schuyler.*

XXXIX. Notwithstanding these disasters, Burgoyne adhered to his original purpose. By a slow and toilsome mode, having collected provisions from Fort George, sufficient for thirty days, he crossed the Hudson with his whole army on the 14th September, and encamped on the heights and plains of Saratoga, with the determination of deciding in a general engagement, the fate of the expedition.

Gates had removed his camp from the islands at the mouth of the Mohawk, to the neighbourhood of Stillwater. On the 17th, Burgoyne encamped within four miles of the American army; and, the interval being employed in the necessary repair of bridges between the two camps, on the 19th, a general engagement was fought, which terminated only with the day, and was in every respect favourable to the Americans. Beside the actual loss in battle, the Indians, Canadians, and provincialists, deserted in great numbers. The next day, intelligence was received from the north, which gave additional animation to the Americans. Detachments from General Lincoln's force had been sent against the forts on the lakes, and Colonel Brown had succeeded in capturing Mount Defiance, Mount Hope, the old French lines, the landing, and about two hundred batteaux at the north end of Lake George; and with the loss of only three killed, and five wounded, had liberated one hundred American prisoners, and taken two hundred and ninety-three British. This success was magnified into the reduction of Ticonderoga, and Mount Independence; but the attempt on these posts had been repulsed.

The armies retained their positions at Stillwater, until the 7th Oct.; Bur-

* August 21.

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goyne, in hopes of relief, which had been promised him before the 12th, by Sir Henry Clinton, from New York; and Gates in gathering in the militia of the country. At length, the British general being obliged to diminish the rations of his men, resolved on another trial of strength with his adversary. This, like the preceding battle, was maintained until night, and the advantage was, again, decisively, with the Americans. Burgoyne was compelled to change his position, in order to avoid the renewal of the action, on the next day, with part of his works in possesion of the assailants. He subsequently retired to Saratoga, and endeavoured to open the road to Fort Edward. But being surrounded, and his provisions reduced to a three days' supply, even at short allowance, he was constrained by the most humiliating necessity, to open a negotiation with the American general, and finally to surrender himself and his army, prisoners of war, upon condition, that he should march out of his camp with the usual honours, with permission to return to England, but not to serve against the United States until exchanged.* At the time of the convention, the American force amounted to 9093 continental troops, and 4129 militia; but the sick exceeded 2500 men. The British force was 5752; having been reduced since it left Ticonderoga, 3248 men. In addition to this very great military force, the British lost, and the Americans acquired a fine train of artillery, seven thousand stand of excellent arms, clothing for seven thousand recruits, with tents, and other military stores, to a very considerable amount.

XL. During these important events, Sir Henry Clinton had endeavoured, not very judiciously, certainly, to assist Burgoyne, by his operations in the south. He succeeded in capturing the forts in the Highlands, and in removing the obstructions to the passage of the North river. But so much time was spent in burning the continental villages, and Esopus, and in devastating the country, that he was too late to save or serve his countryman. Upon the capture of Burgoyne, the troops employed in this odious service returned to New York, having inflicted much injury upon the Americans, and added new intensity to their hatred; but, having done no good, to their own cause.

About the same time, the British, who had been left in the rear of Burgoyne, destroying their stores, and abandoning their cannon, retreated to Canada, leaving the country, so late the seat of furious war, restored to perfect tranquillity.

XLI. The effect produced by the capture of this whole British army was of the highest importance, in three points of view. It established, incontestably, the ability of the United States to maintain their independence; and though the contest might be prolonged, its ultimate result was no longer doubtful. It created doubts in Great Britain of the success in the war—and it taught foreigners to confide in, and confiding, to aid, the exertions of the States.

XLII. The captured army was marched to the vicinity of Boston, where some difficulties in procuring proper quarters for the officers, induced a remonstrance from the General to Gates, in which he observed—"the public faith is broken." This expression led Congress to believe, that, if liberated, the troops would immediately join the British garrisons in America; and they passed a resolution suspending the embarkation, till a distinct and explicit ratification of the convention of Saratoga should be properly notified by the court of Great Britain. This event did not take place for many months, during which the troops continued prisoners.

* October 13.

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CHAPTER XV.

Campaign of 1778.—I. Condition of the Army at the Valley Forge and at the commencement of the Campaign.—II. British foraging excursions in New Jersey.—III. Fortunate escape of an advance party under La Fayette.—IV. Effect of the American successes abroad—Efforts of American Agents.—V. Measures for Foreign Alliances—Duplicity of France—Treaties with her.—VI. War between Great Britain and France.—VII. Opinions in Great Britain—Ministerial measures.—VIII. Reception of those measures in America.—IX. Arrival of a French Minister Plenipotentiary.—X. The British Army evacuates Philadelphia—March through Jersey.—XI. Battle of Monmouth—British Army regains New York.—XII. Arrival of the French Fleet—proceeds to Rhode Island.—XIII. Attempt on Newport—Appearance of the English Fleet—French and English Fleets put to Sea—dispersed by Storm.—XIV. British Incursions in Connecticut.—XV. Disposition of the American Army.—XVI. British Incursions into New Jersey.—XVII. Movements of the adverse Fleets—Detachment against the Southern States.—XVIII. American Army retires to winter quarters—Its improved condition.—XIX. Indian devastations—Massacre at Wyoming.—XX. Operations against the Indians.—XXI. Discontent in the Jersey line.—XXII. March of General Sullivan to the Indian country—Events there.—XXIII. Expedition under Colonel Broadhead by the Allegheny River.—XXIV. Expedition against the Cherokees under General Pickens.—XXV. Unprovoked Slaughter of the Indians at Muskingum.

I. During the winter of 1777, 1778, the condition of the American army at the Valley Forge was one of great peril and suffering; requiring all the attractive powers of the cause and of the general in command, to preserve that army from dissolution. Every department was imperfectly organized. But the want of system and experience was no where more visible than in those of the quartermaster and the commissariat. Stores of the first necessity, invaluable from their scarcity, were carelessly abandoned, lost, or embezzled; and in a plentiful country, the troops were in danger of perishing for want of food. Tempting opportunities of annoying the enemy were frequently lost from the absolute impossibility of supplying the parties detailed with the indispensable provisions. Several times, during the winter, the soldiers were days without meat; and vegetables and other articles, indispensable to health, were almost unknown to them. The subsistence of an army, and the agents engaged in it, should be as dependent on, and responsible to, the commander-in-chief, as its military movements, and the officers who conduct them; and the negligence, fraud, or sluggishness of the commissary should be as promptly and severely punishable as the cowardice or treachery of the combatant. But this dependence was denied by that passion for engrossing power, and the jealousy which refuses it to others, inherent in popular assemblies. Congress would relinquish no powers which it could, itself, exercise. Early in the war, the office of commissary-general had been conferred upon Colonel Trumbull, of Connecticut, a gentleman well qualified for its duties, but who, notwithstanding, having to struggle through the difficulties of inexperience and original organization, could not fulfil them with universal satisfaction. The remedy resorted to by Congress increased the disease. They rendered his subordinates independent of the head, and made them accountable only to their body. Disgusted with a system, which subjected him to all the danger of responsibility, without the means of protection and indemnity, Mr. Trumbull threw up his commission. Consequently, the army was subjected to the dread, and, not unfrequently, to the pain, of famine. Relief was to be obtained only by compulsory military re-

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quisitions, and the whole country within seventy miles of headquarters was, by the resolutions of Congress, placed at the disposition of the commander-in-chief, whereon to levy whatever might be necessary for his army. That patriotism which rises and expends itself in sudden ebullition, is of ordinary growth—is a fever contagious in crowds—whilst that which endures under the deprivation of food and raiment, amid the severities of winter, and the perils of disease and battle, is as rare as it is estimable—but it is not so rare as that, which in the non-combatant, withstands the forcible, hourly, hopeless, unremunerated drain of the purse. Against the exactions, therefore, of the army, even the friendly farmer or dealer opposed the resources of his cunning; and though he did not furnish supplies to the enemy who tempted him with gold, he concealed them from his friends who could pay for them, at best, in almost worthless paper, and frequently, only, in naked promises. But many, very many, had not the negative merit of forbearing to supply the foe; in despite of the unceasing efforts of the American army, they carried large quantities of provisions to British quarters. General Washington could obtain relief, only, by the strenuous exertions of his best officers. General Greene, with a strong detachment, searched the surrounding country. Captain Lee and Captain M'Lane, excellent partisans, were despatched to Delaware and Maryland, and Colonel Tilghman into New Jersey—at the same time Washington urged upon the executives of the several states, to exert themselves for the army and the nation. But the appointment of General Greene to the office of commissary general, under the immediate direction of the commander-in-chief, in March, 1777, was the most efficient remedy.

The sufferings of the troops for want of proper clothing, was not less than from want of food. Their deplorable condition, in this respect, disabled them from keeping the field. The returns of the first of February, exhibit the astonishing number of three thousand nine hundred and eighty-nine men, in camp, unfit for duty, for want of clothes; of whom, scare one had shoes. Even among those returned, capable of duty, very many were so badly clad, that exposure to the colds of the season, must have destroyed them. Although the total of the army then exceeded seventeen thousand men, the effective rank and file, amounted, only, to five thousand and twelve. Nakedness amid frost, unhealthy food, and hunger, filled the hospitals with patients. In these miserable receptacles, death was most frequently found by those who sought for health. The provision made for them, at all times inadequate to their wants, was misapplied. They were crowded in small apartments, and a violent putrid fever raged among them, destroying more than all the other diseases of the camp. Had the British army, at this season, taken the field, it might, though with great suffering to itself, have compelled the American general, either to fight with inferior numbers, and to stake his army upon a battle, or to retreat further into the country; which could not have been effected without great loss, with his naked and barefooted soldiers.

Happily, the real condition of this army was not fully known to Sir William Howe. The present position had been assumed for the purpose of covering the country of Pennsylvania, protecting the magazines laid up in it, and cutting off the supplies of the British army. The plan extended no further than to guard, with the militia, the north of the Schuylkill, and the east of the Delaware, so as to restrain the people of the country from carrying in their provisions to market, to which they were irresistibly allured, by specie payments. These objects were, in a great measure, though not effectually, gained; nor, however, without occasionally inflicting personal chastisement upon delinquents.

II. In the species of war which this state of things produced, the advan-

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tage was with the British, who, being unassailable in their quarters, and possessing the command of the Delaware, might, at any time, ravage the coast of Jersey, before assistance could be rendered by the continental troops. The resistance of the militia was inconsiderable, and scarce expected. Yet the wants of such a number of persons and horses, required a greater supply of fresh provisions and forage than could be procured, by light parties or ordinary means. And as the spring opened, with the design to relieve their own army, and to distress that of the United States, about the middle of March, Colonel Mahwood and Major Simcoe were detached into Jersey, at the head of about twelve hundred men. They landed at Salem, and dispersed the small bodies of militia stationed in that part of the country, under Colonels Hand and Holme. The militia were posted at Quinton's Bridge, Alloways' Creek, over which it was supposed the British would endeavour to force a passage. Their numbers being unequal to an effectual resistance, it was only intended to keep the enemy in some check, until they should be reinforced. A judicious plan to surprise them, was skilfully executed by Major Simcoe, one of the best partisans in the British service, and their guard was cut to pieces. The loss of the militia, in several skirmishes, in killed and taken, was between fifty and sixty.

General Washington had received early intelligence of this expedition, which he communicated to Governor Livingston, with a request, that he would immediately order out the militia in force, to join Colonel Shreve, whose regiment was detached into Jersey to aid in protecting the country. The governor could not bring his militia with sufficient expedition into the field. The Legislature had neglected to make provision for paying them; and the repugnance to military duty which this circumstance could not fail to occasion, received no small addition from their unwillingness to expose themselves to its dangers, until a continental force should appear, as a point around which they might rally. On the arrival of Colonel Shreve at Haddonfield, he found, that the militia who had been assembled to aid him, and to intercept the communication with Philadelphia, amounted to less than one hundred men; and Colonel Ellis, their commanding officer, remarked, in a letter to the governor, that, "without some standing force, little was to be expected from the militia, who being, alone, not sufficient to prevent the incursions of the enemy, each one naturally consults his own safety, by not being found in arms."

Mahwood wrote to Colonel Hand, proposing to re-embark his troops, to refrain from further injury to the country, and to pay for the cattle and forage he had taken, in sterling money, on condition, that the militia would lay down their arms and depart to their homes; threatening, on refusal, to arm the tories, to attack all persons he found in arms, burn their dwellings, and reduce their families to the utmost distress. And that his threats might not be supposed in vain, he subjoined a list of the first objects of his intended vengeance.* Colonel Hand indignantly rejected the proposition, and Mahwood, but too faithfully, executed his threat; and, although his incursion continued six or seven days, he returned to Philadelphia unmolested. Not more than two hundred men could be collected to reinforce Colonel Shreve, who, unable to act with effect, did not even march to the lower parts of Jersey, which were plundered without restraint.

* These were, Edmund Keasby, Thomas Sinnickson, Samuel Dick, Whitten Crips, Ebenezer Howell, Edward Hall, John Bowen, Thomas Thompson, George Trenchard, Elisha Cattle, Andrew Sinnickson, Nicholas Keen, Jacob Hufty, Benjamin Holmes, William Schute, Anthony Sharpe, and Abner Penton.

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Applications to General Washington for detachments of continental troops, sufficient to cover the country, were necessarily rejected, as the enemy could reinforce with more facility than he, and could, consequently, maintain his superiority until the whole war would be transferred to Jersey. He, however, permitted Colonel Shreve to remain on the east side of the Delaware, and reinforced him with an additional regiment; but would not consent to add to the strength of this detachment, or to depart from his design to keep on that side of the Delaware, only, such force as would break off the ordinary intercourse between the town and country. A larger one would only direct the attention of Sir William Howe towards it, and induce him to plan its destruction. Such an attempt on Colonel Shreve, was disappointed by a precipitate retreat, attended with some loss.

In addition to the vessels which had been engaged in defence of Fort Mifflin, others had been commenced above Philadelphia, but were not completed, when the British obtained possession of the river. To protect these from the enemy, Washington had directed them to be sunk in such a manner as to be weighed with difficulty. This order was disregarded. Against these vessels and some stores collected at Bordentown, an expedition was successfully sent. General Dickenson was in the neighbourhood, but his force was too small to interrupt the enterprise; and General Maxwell, who had been detached on the first intelligence, that the enemy was advancing up the Delaware, was retarded in his march by a heavy rain, which did not delay the movement of the British troops, on board of vessels in the river.

III. To cover the country effectually on the north of the Schuylkill, and to form an advance guard, which might annoy the rear of the enemy, should he evacuate the city, an event, deemed daily more probable, the Marquis de La Fayette was detached, with more than two thousand choice troops, and a few pieces of cannon, to take post on the lines, with orders to occupy no station, permanently, lest the enemy should successfully concert an attack upon him. Having taken a momentary position at Barren Hill, ten miles in front of the army, at the Valley Forge, notice thereof was given to General Howe; who, having reconnoitred his post, despatched General Grant, on the night of the nineteenth of May, against him. He succeeded in getting, undiscovered, into the rear of the Marquis, whilst General Gray, with a strong detachment, advanced by the south side of the Schuylkill, to a ford, two or three miles in front of his right flank, and the residue of the army encamped on Chesnut Hill. The Marquis discovered the perils which environed him, just in season, by a dexterous movement, to avoid them. He rapidly recrossed the Schuylkill by Matson's Ford, and took a post so favourable for defence, that although the enemy pursued him to the bank, he did not dare to wade the river to assail him. From the apparent imprudence, which might be inferred by his surprise, the Marquis is exonerated, by the fact, that the troops placed by him on his left flank, had, without his knowledge, changed their position.

IV. In the course of the winter, the effect, abroad, of the success of the American arms, began to develope itself. The government of France could not observe, without deep interest, the contest which was about to shake, to the foundation, the empire of her great enemy and rival. Though, labouring under financial embarrassments resulting from her late wars, she could not, hastily, involve herself in new expenses, yet the ministry and the nation, longed for an opportunity of retaliating the mortifications and defeat they had sustained. When the discontents of the colonies had broken into open hostilities, M. de Vergennes and other members of the French ministry, declared it to be the policy of France and Spain, to avoid aggression, for three causes; the two latter of which, were, doubtless, founded in truth,

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and are entirely comprehensible:—First, for moral reasons, which were conformable to the known opinions of the two monarchs: secondly, on account of the condition of the finances, the necessity of time for recovery of exhaustion, and the danger of perpetuating their weakness by premature exertion; and thirdly, that an offensive war, on the part of France and Spain, might reconcile the mother and her colonies; giving the minister a pretext for yielding, and the provinces a motive for acceding to his propositions, in order to obtain time to consolidate themselves, to ripen their plans, and to increase their means. They came to the conclusion, therefore, to watch events in Europe and America; avoiding every thing which might create an opinion that they had, in the latter, any authorized agent; to facilitate to the colonists, the means of procuring, by commerce, the articles, and even the money which they needed, but without a departure from neutrality; to refit and prepare for sea, the naval force; but to precipitate nothing, unless the conduct of England should afford real cause to believe, that she had determined to commence hostilities. Upon these principles, the conduct of the cabinet of Versailles was, for a time, regulated. A party, however, existed in that cabinet, at whose head was the Queen, which avowed a disposition to seize the present moment for revenge, by humbling Great Britain, and dismembering her empire.

The Americans had early sought the countenance of foreign powers, and, particularly, of France. The impossibility of obtaining a supply of arms and ammunition by ordinary means, had, in 1775, induced the appointment of agents to procure military stores abroad; who communed with a secret committee of Congress, empowered to correspond with their friends in Great Britain, Ireland, and other parts of the world. In the spring of 1776, Mr. Silas Deane appeared in Paris, as a political and commercial agent, with instructions to ascertain the disposition of the French king. That monarch, was still reluctant to do any act which might commit him with his enemies. The declaration of independence encouraged the court of Versailles to furnish, privately, means for continuing the war; but it was neither willing, nor prepared, to acknowledge the independence of the United States.

V. As soon as Congress had resolved on the declaration of independence, but before it was published, a project for treaties with foreign powers was prepared, and ministers appointed to negotiate them. Mr. Franklin, Mr. Deane, and Mr. Jefferson, were nominated; but the last named, declining the appointment, Mr. Arthur Lee, then in London, was substituted. They assembled in Paris, early in the winter, were favourably, but not publicly, received; and were assured, that the ports of France would remain open to their ships, and that free commercial relations should be cherished. So closely did the Count de Vergennes conform to his system of caution, that, though the fact was known to the American commissioners, that military stores had been exported from the king's magazines to America, he affected, in their presence, to be wholly ignorant of it. In this state of the negotiation, the utmost circumspection was observed in regard to Great Britain. Every step was taken publicly to gratify her. The remonstrances of her ambassador were scrupulously attended to; the departure of ships, having military stores was forbidden, although they were privately permitted to sail, or sailed without permission; officers having leave of absence, and about to join the Americans, were recalled; strict orders were given, that American prizes should not be sold in French ports; and in some cases, cruisers were compelled to give up the ships they had captured, and to enter into security to cruise no more in the European seas. At the same time, the American agents were privately informed, that in despite of these exactions of policy, they might confide in the good will of the government. Means were also taken to facilitate to

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them the negotiation of loans, and the owners of privateers were permitted, privately, to dispose of their prizes.

This perplexing and uncertain state, continued from December, 1776, to December, 1777. The success of the campaign of the latter year placed the Americans in a more favourable light, as possible instruments for the gratification of Gallic vengeance, and disposed the ministers to draw the relations with them more closely. The capture of Burgoyne determined them to acknowledge and support the independence of the United States. France frankly avowed, what folly alone could tempt her to conceal, that in this measure, she sought her own interest. Though war with Great Britain would probably be the consequence, there was a generosity displayed in abstaining from requiring any preference over other nations, and in treating with the new states as if they had been long established, and were in the fulness of strength and power.

Two treaties were formed. One, of friendship and commerce, recognised the independence of America. The other, of alliance, eventual and defensive, between the two nations, stipulated, that should a war arise between Great Britain and France during the existence of that with the United States, it should become a common cause, and that neither of the contracting parties should conclude either truce or peace with Great Britain, without the formal assent of the other. They mutually engaged not to lay down their arms, until the independence of the United States should be assured by treaty terminating the war. There were other provisions in this contract, which in their result did not affect the revolution.

VI. Soon after, the treaty of friendship and commerce was communicated by the representative of France to the British court; which, readily, conceiving, that France had not taken this step without a resolution to follow it through all its consequences, considered the notification a declaration of war; and immediately published a memorial for the justification of the hostilities she resolved to commence.

The French ministry received private intelligence, that the English cabinet contemplated to offer to the United States the acknowledgment of their independence, on condition of a separate peace. They communicated this to the American commissioners, urging them to lose no time in representing, that the war, though not declared in form, had actually commenced, and that they, deeming the treaty of alliance in full force, considered neither party at liberty to make a separate peace.

The despatches containing the treaties were received by the president of Congress, on Saturday, the second of May, after the House had adjourned. That body was immediately convened, and the joyful tidings communicated. The treaties were ratified, on Monday, with a resolution highly complimentary to the magnanimity and wisdom of the French monarch. But the intoxication of joy led this grave assembly into the error of publishing both, the avowed and concealed; or it served as an excuse for involving France, inextricably, in their cause, by confirming the indignation of Great Britain at her duplicity.

VII. The impression made upon the British nation, though different, was not less, than that upon the French, by the capture of Burgoyne; and produced even in the cabinet, resolutions in favour of pacific measures. In February, 1778, Lord North gave notice in the House of Commons, of his intention to propose a plan of conciliation. In conformity with which, he moved to bring in "a bill for removing all doubts and apprehensions concerning taxation by the Parliament of Great Britain, in any of the colonies and plantations of North America," and "a bill to enable his Majesty to appoint commissioners, with sufficient powers to treat, consult, and agree upon

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the means of quieting the disorders now subsisting in certain of the colonies of America.

The first declared that Parliament would impose no duty payable in America, except such as might be expedient for the purposes of commerce, the net produce of which, should be paid and applied for the use of the colony in which it should be levied, as other duties collected under the authority of the Legislature. The second, authorized the appointment of commissioners by the Crown, with power to treat, either with the constituted authorities, or with individuals in America,—the stipulations which might be entered into, to be subject to the approbation of Parliament. They were also empowered to proclaim a cessation of hostilities in any of the colonies; to suspend the operation of the non-intercourse law, and, during the continuance of the act, so much of all or any of the acts of Parliament, which had passed since the 10th of February, 1773, relating to the colonies; to grant pardon to any number or description of persons; and to appoint a governor in any colony, in which his Majesty had, theretofore, made such appointments. The duration of the last act was limited to the first of June, 1779. Both were sanctioned by Parliament with little opposition. Their great defect was, that they came too late. The spirit upon which they might have wrought was no more. It had been succeeded by one to which the demand of subjection, and the offer of pardon were irreparable insults.

Before these bills could be gotten through the customary forms, intelligence was received of the treaty with France. Copies were, therefore, hurried to America, to be laid before Congress, and the public, that they might counteract the effect of the treaty.

VIII. Washington was instructed of the nature of these bills, as well by letters, from Major-general Tryon, the British governor of New York, as from other sources. The communication from Tryon, containing the extraordinary and impertinent request, "that it should be published to the army," was immediately despatched to Congress. The committee to whom it was referred, reported, That the bills were designed to create division among the people, and to encourage desertion from the common cause, and were the sequel of the insidious plan, which, from the days of the stamp act, had involved the country in contention and blood; and though circumstances might, now, cause a recession from unjustifiable claims, they would not fail to be renewed upon the first favourable occasion:—That, as the union of the Americans, upon principles of common interest in defence of common rights, was cemented by common calamities and mutual good offices and affection, so the cause for which they contended, and in which all mankind were interested, must derive its success from the continuance of such union; and that, whoever should presume to make any separate or partial convention, with the commissioners under the crown, ought to be considered and treated as open and avowed enemies of the United States:—That, the United States could not, with propriety, hold conference with commissioners from Great Britain, unless as a preliminary, they should withdraw their fleets and armies, or in express terms acknowledge the independence of the States: And that, as it appeared to be the design of the enemies of the States, to lull them into fatal security, the States should be called upon to use the most strenuous exertions, to send their respective quotas of troops into the field, and to maintain their militia in readiness. Fearless of the effect of these measures upon the public mind, Congress ordered the report and resolutions to be published. The alliance with France, which had been long expected, was believed by every patriot to assure the national independence,—and this had become an object too dear to be easily abandoned.

Subsequently to the reception of the copies of the bills, letters were re-

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ceived by Congress, in the close of May, from Lord Howe and Sir Henry Clinton, enclosing the acts of Parliament, themselves. Congress replied—"Your lordship may be assured, that when the king of Great Britain shall be seriously disposed to put an end to the unprovoked and cruel war waged against these United States, Congress will readily attend to such terms of peace, as may consist with the honour of independent nations, the interest of their constituents, and the sacred regard they mean to pay to treaties."

The commissioners appointed to give effect to those conciliatory bills, consisted of Governor Johnstone, Lord Carlisle, and Mr. Eden, to whom Sir Henry Clinton was added. The three first arrived in Philadelphia, while the city was in possession of the British. On the 9th of June they requested, from General Washington, a passport for their secretary, Dr. Ferguson, with a letter from them to Congress; but this was refused. They, then, addressed a letter to Congress, in due form, communicating a copy of their commission, and of the acts of Parliament, and proposing among other things, to consent to a cessation of hostilities by sea and land; to restore free intercourse, to revive mutual affection, and renew the common benefits of naturalization, through the several parts of the empire: To extend every freedom to trade, that the respective interest of Britain and America could require: To agree that no military forces should be kept up in North America, without the consent of the general Congress, or particular Assemblies: To concur in measures "calculated to discharge the debts of America, and to raise the credit and value of the paper circulation:" To perpetuate the union, by a reciprocal deputation of agent or agents, who should have the privilege of a seat and voice in the Parliament of Great Britain, or if sent from Britain, in the Assemblies of the different colonies, to which they might be deputed, respectively. In short, to establish the power of the respective Legislatures in each particular colony, to settle its revenue in civil and military establishment, and to exercise a perfect freedom in legislation and internal government; so that the British colonies in North America, acting with Great Britain, in peace and in war, under one common sovereign, might have the irrevocable enjoyment of every privilege, short of a total separation of interests, or consistent with that union of force, on which the safety of their common religion and liberty depended."

The letter containing these propositions, also, contained some observations reflecting on the conduct of France, which gave so much offence in Congress, as to cause a suspension of the proceedings on the communication. But at length, an answer was agreed upon, signed by the president, and transmitted to the commissioners, rejecting their propositions, and assigning reasons therefor.

A reply from the commissioners followed the rejection of Congress, and the negotiation was thus, for a short period, continued, during which Mr. Johnstone caused certain propositions, in the nature of a bribe, to be made to Mr. Joseph Reed, which were not only indignantly rejected by that gentleman, but which induced Congress to refuse intercourse with the proposer. Mr. Johnstone, thereupon, retired from the commission, whilst his colleagues endeavoured to press their views upon the Congress and the nation. To the latter, both parties appealed through the press, but the British agents were, in every effort, unsuccessful.

IX. In the midst of these transactions, the Sieur Girard, who had negotiated the treaties between France and the United States, arrived at Philadelphia, in the character of minister plenipotentiary of his most Christian Majesty. This event produced unbounded joy among the people and Congress, by whom the minister was received with every demonstration of respect.

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X. About the time the command of the army devolved on Sir Henry Clinton, orders were received for the evacuation of Philadelphia. The part which France was about to take in the war, with the naval force she had prepared, rendered this city a dangerous position, and determined the administration, entirely, to abandon the Delaware. Preparations to this end were actively pursued, but it was some time uncertain, to what point the army was destined. At length, the intention was apparent to reach New York through the Jerseys. Upon this presumption, General Washington conducted his operations.

General Maxwell, with the Jersey brigade, was ordered to take post about Mount Holly, and to unite with Major-general Dickenson, who was assembling the militia, for the purpose of breaking down the bridges, falling trees in the roads, and otherwise embarrassing the march of the British general. Instructions were given to these officers, to guard carefully against a *coup de main*, and to keep the militia, in small light parties, on his flanks.

When Washington learned, that the greater proportion of the British army had crossed the Delaware,* he convened a council of general officers, to determine on his course. The force of the armies was nearly equal, the numerical advantage being with the Americans; the British having ten, and the Americans between ten and eleven, thousand. Of seventeen general officers, Wayne and Cadwalader, alone, were decidedly in favour of attacking the enemy. Fayette inclined to that opinion without openly embracing it. Consequently, it was resolved, not to risk a battle.

Sir Henry Clinton moved with great deliberation; seeming to await the approach of his adversary. He proceeded through Haddonfield,† Mount Holly, Slabtown, and Crosswicks, to Allentown and Imlaytown, which he reached, on the twenty-fourth. Dickenson and Maxwell retired before him, unable to obstruct his march otherwise than by destroying the bridges. As his route, until he passed Crosswicks, lay directly up the Delaware, and at no great distance from it, General Washington found it necessary to make an extensive circuit, to pass the river at Coryell's Ferry. Pursuant to the settled plan of avoiding an engagement, he kept the high grounds, directing his course so as to cover the important passes of the Highlands. He crossed the river on the twenty-second, and remained the twenty-third at Hopewell, in the elevated country, adjacent to the river.

General Arnold, whose wounds yet unfitted him for service, was directed to possess himself of Philadelphia, and to detach four hundred continental troops, and such militia as could be collected, to harass the rear of the enemy. This service, by the order of the commander-in-chief, was confided to General Cadwalader, who could only add to his continental force, fifty volunteers and forty militia, commanded by General Lacy. From Hopewell, Morgan, with six hundred riflemen, was detached to annoy his right flank; Dickenson, with about one thousand Jersey militia, and Maxwell's brigade, hung on his left.

XI. In this position of the armies, General Washington, who had rather acquiesced in, than approved, the decision of the late council of war, and was disposed to seek battle, again submitted the proposal to the consideration of the general officers, by whom it was, again, negatived. By their advice a chosen body of fifteen hundred men, under Brigadier-general Scott, was added to the corps on the left flank of the enemy. But Washington being

* June 18th, 1777.

† The night that the British encamped at Haddonfield, Captain M'Lane, by orders from General Arnold, passed through their camp, and reported their situation to the general.

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supported by the wishes of some officers whom he highly valued, determined, on his own responsibility, to bring on a general engagement. The enemy being on his march to Monmouth court-house, he resolved to strengthen the force on his lines, by despatching General Wayne with an additional corps of one thousand men. The continental troops, now, thrown in front of the army, amounted to four thousand men, a force sufficient to require the direction of a major-general. The tour of duty was General Lee's; but, he, having declared, strongly, against hazarding, even a partial engagement, and supposing that, in conformity with the advice signed by all the generals in camp, save one, nothing would be attempted beyond reconnoitring the enemy, and restraining the plundering parties, showed no disposition to assert his claim; but yielded the command to General La Fayette. All the continental parties on the lines were placed under his direction, with orders to take measures, in concert with General Dickenson, to impede the march of the British, and to occasion them the greatest loss. These measures demonstrated the wishes of the commander-in-chief, tending almost inevitably to a general battle. Wayne had earnestly advised it, and La Fayette inclined towards a partial engagement. Colonel Hamilton, who accompanied him, had the strongest desire to signalize the detachment, and to accomplish all the wishes of Washington. These dispositions having been made, the main army was moved to Cranberry, on the 26th, to support the advance. The intense heat of the weather, a heavy storm, and a temporary want of provisions, prevented it from proceeding further next day. The advanced corps had pressed forward and taken a position on the Monmouth road, about five miles in the rear of the enemy, with the intention of attacking him on the next morning. It was now, however, too remote, and too far on the right, to be supported in case of action; and pursuant to orders, the Marquis filed off by his left, towards Englishtown, early on the morning of the 27th.

General Lee had declined the command of the advance party, under the opinion, that it was not designed for effective service; but perceiving, soon after its march, that much importance was attached to it, and dreading lest his reputation might suffer, he earnestly solicited to be placed at its head. To relieve his feelings, without wounding those of La Fayette, Washington detached the former, with two other brigades, to support the Marquis. Lee would, of course, have the direction of the whole front division, amounting now to five thousand men; but he stipulated, that if any enterprise had been formed by La Fayette, it should be executed as if the commanding officer had not been changed.

Sir Henry Clinton had taken a strong position, on the high grounds about Monmouth court-house; having his right flank in the skirt of a small wood, his left secured by a thick one, and a morass towards his rear. His whole front was, also, covered by a wood, and, for a considerable distance towards his left, by a morass, and he was within twelve miles of the high grounds about Middletown; after reaching which, he would be perfectly secure.

Under these circumstances, General Washington determined to attack their rear, the moment they should move from their ground. This determination was communicated to Lee, with orders to make his dispositions, and to keep his troops constantly lying on their arms, that he might be in readiness to take advantage of the first movement. Corresponding orders were also given to the rear division.

About five in the morning of the twenty-eighth, intelligence was received from General Dickenson, that the front of the enemy was in motion. The troops were immediately under arms, and Lee was directed to move on, and attack the rear, "unless there should be powerful reasons to the contrary."

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He was, at the same time, informed, that the main army would march to support him.

Sir Henry Clinton, perceiving that the Americans were in his neighbourhood, changed the order of his march. The baggage was placed under the care of General Knyphausen, while the flower of his army, unincumbered, formed the rear division commanded by Lord Cornwallis; who, to avoid pressing on Knyphausen, remained on his ground until about eight, and then descending from the heights of Freehold, into a plain of about three miles in extent, took up his line of march in rear of the front division.*

General Lee made the dispositions necessary for executing his orders; and, soon after the rear of the enemy was in motion, prepared to attack it. General Dickenson had been directed, to detach some of his best troops, to co-operate with him; and Morgan to act on the enemy's right flank, but with so much caution, as to be able readily to extricate himself, and to form a junction with the main body.

Lee appeared on the heights of Freehold, soon after the enemy had left them, and following the British into the plain, gave directions to General Wayne to attack their covering party, so as to halt them, but not to press them sufficiently to force them up to the main body, or to draw reinforcements from thence, to their aid. In the mean time, he proposed to gain their front by a shorter road on their left, and entirely intercepting their communication with the line, to bear them off before they could be assisted.

While in the execution of this design, a gentleman of General Washington's suite came up to gain intelligence, and to him, Lee communicated his present object.

Sir Henry Clinton, soon after the rear division was in full march, observed a column of the Americans on his left flank. This being militia, was soon dispersed. When his rear guard had descended from the hills, it was followed by a strong corps; soon after which, a cannonade upon it was commenced from some pieces commanded by Colonel Oswald, and, at the same time, he received intelligence, that a respectable force had shown itself on both his flanks. Believing a design to have been formed on his baggage, which in the defiles would be exposed, he determined, in order to secure it, to attack the troops in his rear, so vigorously, as to compel them to call off those on his flanks. This induced him to march back his whole rear division, which movement was making, as Lee advanced for the purpose of reconnoitring, to the front of the wood, adjoining the plain. He soon perceived himself to have mistaken the force which formed the rear of the British; but he yet proposed to engage on that ground, although his judgment, as was afterwards stated by himself, on an inquiry into his conduct, disapproved of it; there being a morass immediately in his rear, which could not be passed without difficulty, and which would necessarily impede the arrival of reinforcements to his aid, and embarrass his retreat should he be finally overpowered.

This was about ten o'clock. While both armies were preparing for action, General Scott (as stated by General Lee) mistook an oblique march of an American column for a retreat; and, in the apprehension of being abandoned, left his position, and repassed the ravine in his rear. Being himself of opinion, that the ground on which the army was drawn up, was by no means favourable to them, Lee did not correct the error Scott had committed, but directed the whole detachment to regain the heights they had passed. He was pressed by the enemy, and some slight skirmishing ensued, during this retrograde movement, in which not much loss was sustained on either side.

* Letter of Sir Henry Clinton.

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When the first firing announced the commencement of the action, the rear division threw off their packs, and advanced rapidly to support the front. As they approached the scene of action, Washington, who had received no intelligence from Lee, notifying his retreat, rode forward; and about noon, after the army had marched five miles, to his utter astonishment and mortification, met the advanced corps retiring before the enemy, without having made a single effort to maintain their ground. Those whom he first fell in with, neither understood the motives which had governed General Lee, nor his present design; and could give no other information than that, by his orders, they had fled without fighting.

Washington rode to the rear of the division, which was closely pressed. There he met Lee, to whom he spoke in terms of some warmth, implying disapprobation of his conduct. He also gave immediate orders to the regiments commanded by Colonel Stewart and Lieutenant-colonel Ramsay, to form on a piece of ground which he deemed proper for the purpose of checking the enemy, who were advancing rapidly on them. General Lee was then directed to take proper measures, with the residue of his force, to stop the British column on that ground, and the commander-in-chief rode back, himself, to arrange the rear division of the army.

These orders were executed with firmness. A sharp conflict ensued, and when forced from the ground on which he had been placed, Lee brought off his troops in good order, and was, then, directed to form in the rear of Englishtown.

The check thus given the enemy, afforded time to draw up the left wing and second line of the American army, on an eminence, partly in a wood, and partly in an open field, covered by a morass in front. Lord Stirling, who commanded the wing, brought up a detachment of artillery, under Lieutenant-colonel Carrington, with some field pieces, which played with considerable effect on the enemy, who had passed the morass, and were pressing on to the charge. These pieces, with the aid of several parties of infantry, detached for the purpose, effectually put a stop to their advance. The American artillery were drawn up in the open field, and maintained their ground with admirable firmness, under a heavy and persevering fire from the British.

The right wing was, for the day, commanded by General Greene. To expedite the march, and to prevent the enemy from turning the right flank, he had been ordered to file off by the new church, two miles from Englishtown, and to fall into the Monmouth road, a small distance in the rear of the court-house, while the residue of the army proceeded directly to that place. He had advanced on this road considerably to the right of, and rather beyond, the ground on which the armies were now engaged, when he was informed of the retreat of Lee, and of the new disposition of the troops. He immediately changed his route, and took an advantageous position on the right.

Warmly opposed in front, the enemy attempted to turn the left flank of the American army, but were repulsed, and driven back by parties of infantry. They then attempted the right, with as little success. General Greene had advanced a body of troops, with artillery, to a commanding piece of ground in his front, which not only marred their design of turning the right, but severely enfiladed the party which yet remained in front of the left, wing. At this moment, General Wayne advanced with a body of infantry in front, who kept up so hot and well directed a fire of musketry, that the British soon gave way, and withdrew behind the ravine, to the ground on which the first halt had been made.

Here the British line was formed on very strong ground. Both flanks

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were secured by thick woods and morasses, while their front could be reached only, through a narrow pass. The day had been intensely hot, and the troops were much fatigued. Still Washington resolved to renew the engagement. For this purpose, Brigadier-general Poor, with his own and the Carolina brigade, gained the enemy's right flank, while Woodford, with his brigade, turned their left, and the artillery advanced on them in front. But the impediments on the flanks of the enemy were so considerable, that before they could be overcome, and the troops approach near enough to commence the attack, it was nearly dark. Under these circumstances, further operations were deferred until morning. The brigades on the flanks kept their ground through the night, and the other troops lay on their arms in the field of battle, in order to be in perfect readiness to support them. General Washington, who had, through the day, been extremely active, passed the night, in his cloak in the midst of his soldiers.

In the mean time, the British were employed in removing their wounded. About midnight they marched away in such silence, that their retreat was without the knowledge of General Poor, who lay very near them.

As it was perfectly certain, that they would gain the high grounds about Middletown, before they could be overtaken, where they could not be attacked with advantage; as the face of the country afforded no prospect of opposing their embarkation; and as the battle, already, fought had terminated favourably to the reputation of the American arms; it was thought advisable to relinquish the pursuit. Leaving the Jersey brigade, Morgan's corps, and M'Lane's command * to hover about them, to countenance desertion, and protect the country from their depredations, it was resolved to move the main body of the army to the Hudson, and take a position which should effectually cover the important passes in the Highlands.

The loss of the Americans was eight officers and sixty-one privates killed, and about one hundred and sixty wounded. Among the slain were Lieutenant-colonel Bonner of Pennsylvania, and Major Dickenson of Virginia, both much regretted. One hundred and thirty were missing; of whom many afterwards rejoined their regiments.

Sir Henry Clinton stated his dead and missing at four officers, and one hundred and eighty-four privates; his wounded, at sixteen officers, and one hundred and fifty-four privates. This account, so far as respects the dead, cannot be correct, as four officers, and two hundred and forty-five privates were buried on the field, and some few were afterwards found and buried, so as to increase the number to nearly three hundred. The uncommon heat of the day was fatal to several on both sides.

As usual, when a battle has not been decisive, both parties claimed the victory. In the early part of the day, the advantage was certainly with the British; in the latter part, it may be pronounced, with equal certainty, to have been with the Americans. They maintained their ground, repulsed the enemy by whom they were attacked, were prevented only by the night, and the retreat of Sir Henry Clinton, from renewing the action, and suffered in killed and wounded less than their adversaries.

Independent of the loss sustained in the action, the British army was considerably weakened in its way from Philadelphia to New York. About one hundred prisoners were made, and near a thousand soldiers, principally foreigners, many of whom had married in Philadelphia, deserted the British standard during the march.

Whilst the armies were traversing the Jerseys, Gates, who commanded on the North river, by a well timed and judicious movement down the Hud-

* The militia had returned to their homes immediately after the action.

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son, threatened New York, for the purpose of restraining the garrison of that place, from reinforcing Sir Henry Clinton, should such a measure be contemplated.

The conduct of Lee was generally disapproved. As, however, he had possessed a large share of the confidence of the commander-in-chief, it is probable, that explanations might have been made, which would have rescued him from the imputations cast on him, and have restored him to the esteem of the army, could his haughty temper have brooked the indignity he believed to have been offered him on the field of battle. General Washington had taken no measures in consequence of the events of that day, and, probably, would have come to no resolution concerning them, without an amicable explanation, had he not received from Lee a letter, in very unbecoming terms, in which he manifestly assumed the station of a superior, and required reparation for the injury sustained, from the very singular expressions, said to have been used, on the day of the action, by the commander-in-chief.

This letter was answered by an assurance, that so soon as circumstances would admit of an inquiry, he should have an opportunity of justifying himself to the army, to America, and to the world in general, or of convincing them that he had been guilty of disobedience of orders, and misbehaviour before the enemy. On the same day, on Lee's expressing a wish for a speedy investigation of his conduct, and for a court-martial, rather than a court of inquiry, he was arrested,

First. For disobedience of orders in not attacking the enemy on the 28th of June, agreeably to repeated instructions. Secondly. For misbehaviour before the enemy on the same day, in making an unnecessary, disorderly, and shameful retreat. Thirdly. For disrespect to the commander-in-chief in two letters. Before this correspondence had taken place, strong and specific charges of misconduct had been made against General Lee, by several officers of his detachment, and particularly, by Generals Wayne and Scott. In these the transactions of the day, not being well understood, were represented in colours much more unfavourable to Lee, than facts would justify. These representations, most probably, produced the strength of the expressions contained in the second article of the charge. A court-martial was soon called, over which Lord Stirling presided; and, after a full investigation, Lee was found guilty of all the charges exhibited against him, and sentenced to be suspended for one year. This sentence was afterwards, though with some hesitation, approved, almost unanimously, by Congress. The court softened, in some degree, the severity of the second charge, by finding him guilty, not in its very words, but of misbehaviour before the enemy, by making an unnecessary, and, in some few instances, a disorderly retreat.

Lee defended himself with his accustomed ability. He suggested a variety of reasons justifying his retreat, which, if they do not absolutely establish its propriety, give it so questionable a form, as to render it probable that a public examination never would have taken place, could his proud spirit have stooped to offer explanation, instead of outrage, to the commander-in-chief.

The attention of General Washington was now turned, principally, to the North river, towards which the march of his army was directed, with the intention of continuing some time about Haverstraw. And soon after he crossed the North river to the White Plains.

After remaining a few days on the high grounds of Middletown, Sir Henry Clinton proceeded to Sandy Hook; whence he passed his army over to New York. This transit was effected by means of the fleet under Lord Howe, which had arrived off the Hook on the 28th of June.

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XII. Upon the day of battle, the French fleet, under Count d'Estaing, having on board a respectable body of land forces, made the coast, off Chincoteague inlet. Had it arrived a few days earlier, its superior force would have shut Lord Howe, and the British fleet, in the Delaware; and the capture of the army, under Sir Henry Clinton would, probably, have followed. The count proceeded to Sandy Hook, for the purpose of attacking the British fleet in port; and should this be found impracticable, to make an attempt on Rhode Island. The first was defeated by the shoalness of the bar, at the mouth of the harbour.

XIII. In the preceding winter, General Sullivan had been detached to command the troops in Rhode Island, and he was now directed to make such requisitions on the militia of New England, and to prepare such measures, as would enable him to attempt the town of Newport. General La Fayette joined him with two brigades; and soon after, General Greene assumed command of the whole force. On the 26th of July, the French fleet appeared off Newport, and cast anchor about five miles from that place, without Brenton's Ledge.

Sir Henry Clinton, apprehensive for the safety of his troops at Newport, had reinforced Major-general Pigot, who commanded on Rhode Island, and the garrison, now, amounted to six thousand effectives. Their main body lay at Newport; and the American army, under Sullivan, about the town of Providence. A plan for the reduction of Newport, was concerted between D'Estaing and Sullivan, in pursuance of which, the latter landed a force of near nine thousand men, on the island. But having, as the count supposed, improperly, taken preference of the French, he became offended, and some delay occurred in the co-operation of the French forces. In the mean time, a reinforcement to the British fleet arrived from Europe, under Admiral Byron, who came out to relieve Lord Howe. This circumstance determined the latter, though still superior in force, to attack the French fleet before Newport. Having approached that town, D'Estaing, with the weather gage, left the harbour to give battle. Howe deemed this an advantage in addition to numerical superiority, too great to encounter, and immediately put to sea, followed by the French. Two days were spent in fruitless manœuvres; and on the third, the fleets were separated and dispersed, by a storm. In a shattered condition, the English vessels sailed for New York, and the French for Rhode Island. D'Estaing, alleging his instructions to repair to Boston, should a superior British force reach America, refused to renew the attempt on the island, and left the American army there, to contend alone with the British in their entrenchments. Against this measure, all the general officers, except La Fayette, warmly protested. But thus deserted, the siege of Newport was broken up, on the night of the 28th of August; the army retiring, unobserved, to the northern end of the island. The British followed in two columns, and a smart action was fought, in which the American troops showed great firmness and courage. The battle ended with the day; both parties claiming the victory. Sullivan retreated from the island on the 30th, just in season to save his army; for on the next day, Sir Henry Clinton arrived with a force which would have rendered it impracticable. The conduct of the general was highly approved by Congress. But an unfortunate expression, in his general orders, seemingly, reflecting on the conduct of the French, gave the officers of their fleet and army some offence, which induced a representation from D'Estaing to the national council. The inhabitants of New England, generally, were so much discontented with the conduct of the fleet, that fears were entertained, lest the means of repairing the ships, could not be procured. These dangerous and irritating dissentions were appeased

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by the interference of Washington, Hancock, Greene, and other American patriots, who justly dreaded their effect on the fate of the country.

The English fleet had suffered less from the storm than the French; and Lord Howe, after refitting at New York, sailed for Boston, in hope of intercepting D'Estaing; but failing in this, and finding him safely moored in the harbour, he returned to New York, where receiving such additions to his force, as rendered him decidedly superior to his adversary, he resigned the command to Admiral Gambier, until the arrival of Admiral Byron, daily expected from Halifax.

XIV. On his way from Rhode Island to New York, Sir Henry Clinton prepared to make a descent on New London; but the winds proving adverse, he left the troops and transports, under Major-general Gray, to conduct an expedition to the eastward, as far as Buzzard's Bay. Gray destroyed a number of privateers, with their prizes, and some merchant vessels in Acushnet river, and reduced, on the 5th of September, great part of the towns of Bedford and Fairhaven, where a considerable quantity of provisions, military and naval stores, were reduced to ashes. At Martha's Vineyard, several vessels and salt works were destroyed, and a heavy contribution of live stock, levied on the inhabitants.

XV. Apprehensive that a combined attack of the land and naval force of the British, would be made on the French, fleet, General Gates was directed with three brigades to proceed as far as Danbury, in Connecticut, there to await orders. And with a view, both to the passes of the Highlands, and the eastern States, the camp at White Plains was broken up, and the main body of the army took a position further north, at Fredericksburg; while General Putnam was detached with two brigades, to the neighbourhood of West Point, and General M'Dougal with two others to Danbury, to join General Gates.

XVI. Soon after the return of Gray, a large British force from New York, in two columns, ascended the North river, by either bank. That on the west, of five thousand men, was commanded by Cornwallis, and that on the east, of three thousand, by Knyphausen. Their principal object was conjectured to be forage. The west corps surprised the cavalry regiment of Colonel Baylor, at Taupan, or Harrington. The British troops, on the 27th of September, rushed upon them in a barn where they slept, and refusing quarter, used the bayonet with savage cruelty. Of one hundred and four privates, sixty-seven were killed, wounded or taken—Colonel Baylor and Major Clough, both wounded, the former dangerously, the latter mortally, were among the prisoners. Some militia in the same neighbourhood, apprized of the approach of Colonel Campbell, who was sent against them, made their escape. The cruelty exercised on this occasion was, by the request of Congress, established by an inquisition instituted by Governor Livingston. This affair was in some degree balanced by one which occurred three days after. Colonel Richard Butler, assisted by Major Lee, with part of his cavalry, fell in with a party of fifteen chasseurs, and an hundred yagers, under Captain Donop, on whom they made so rapid a charge, that, without the loss of a man, they killed ten of the enemy on the spot, and took the officer commanding the chasseurs, and eighteen of the yagers, prisoners.

This movement had been, in part, designed to favour an expedition against Little Egg Harbour. Count Pulaski had been appointed general of the American cavalry, but the dissatisfaction of the officers induced him to resign his commission. He obtained permission to raise a legionary corps, consisting of three incomplete companies of horse, and the like number of foot, officered by foreigners, among whom was one Juliet, a deserter from the enemy. The Count had been ordered from Trenton to Little Egg Harbour,

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and was lying eight or ten miles from the coast, when his position was betrayed by Juliet. The plan to surprise him was successful, with respect to his infantry, who were put to the bayonet. The British account represents the whole corps to have been destroyed; but the Count admitted a loss of about forty only—and averred, that with his cavalry, he drove the enemy from the ground.

XVII. Admiral Byron assumed the command of the British fleet at New York, in September, and in October, appeared before Boston, for the purpose of blocking up D'Estaing, and availing himself of any circumstance which might favour an attack on the French fleet. But a furious storm driving him to sea, and essentially injuring him, he was compelled to put into Rhode Island, to refit. The French admiral, improving the favourable opportunity, sailed on the 3d of November, for the West Indies. Thus terminated, without material advantage, an expedition, of whose success the most sanguine expectations had been entertained.

Upon the same day, a detachment of five thousand men, from the British army, sailed from New York, under Major-general Grant, with the like destination; and towards the close of the month, another under Colonel Campbell, embarked, to act offensively, against the southern States.

XVIII. As there yet remained in New York a force sufficient for its defence, the American army retired, in December, into winter quarters. The main body was cantoned in Connecticut, on both sides of the North river, about West Point, and at Middlebrook. The troops again wintered in huts, to which they had become accustomed; and though far from being well clad, their condition was in this respect, so much ameliorated, by supplies from France, that they bore every inconvenience without repining.

The errors of the first years of the war had produced some useful reforms. The insufficiency of the provision for the support of the military officers, had caused the resignation of many, to the great injury of the service. From the convictions of justice and policy, and from respect to the earnest and disinterested recommendation of General Washington, Congress allowed half pay, for seven years after the expiration of service; which was subsequently extended to the end of their lives, but was finally commuted for full pay, for five years. Resignations were afterwards rare, and the States reaped the benefit of experienced officers, until the war was ended. A system of more regular discipline was introduced into the army, by Baron de Steuben, who had served under the King of Prussia. A very important amelioration was effected in the medical department, by appointing different officers to discharge the directing and purveying business of the military hospitals, which had been before united in the same hands. The merit of this change is due to Dr. Rush. And the ordinances limiting prices, being found utterly impracticable, were abolished.

XIX. Throughout all the borders of the land, a barbarous war was carried on by the savages, in which the usual restraints on the worst passions of our nature were abandoned. The American tories and refugees, who had fled to the wilds, under the disguise of Indians, indulged an unbounded lust for rapine. These tutored savages acted as guides to the war parties, leading them into the richest and undefended settlements, and enabling them frequently to escape with impunity. Any reverses they might occasionally suffer, were amply compensated by the British agents, whose inhuman policy had armed the murderers' hands, and daily urged them to action. Whilst the war was distant from the Indian country, the Indians experienced none of its evils. It produced only the pleasure of adventure, and of sudden and extraordinary acquisition. A particular detail of the devastations of property, of the distress of all sexes, ages and conditions, who were driven from their

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conflagrated homes, and wasted farms, to seek precarious shelter in the forest, and to subsist upon the spontaneous productions of the earth, and an account of the barbarous murders, would exceed our limits, and be but repetitions of disgusting scenes of horror. We will dwell only on the massacre at Wyoming, in Luzerne county, Pennsylvania, perpetrated under Colonel John Butler, a Connecticut tory, and an inhabitant of that charming valley, which in atrocity has never been surpassed. Early in July, 1778, a party of one thousand one hundred, of whom nine hundred were Indians, entered this new settlement. One of the forts, which had been constructed for the security of the inhabitants, being garrisoned by concealed tories, was surrendered, without opposition. Another was taken, part of the garrison having retired. The two principal forts, however, were Kingston and Wilkesbarre, near each other, on opposite sides of the Susquehanna river. The first contained Colonel Zebulon Butler, a cousin of the tory chieftain, with the greatest part of the armed force of the country, and a number of women and children. After rejecting a summons to surrender, he agreed to a parley at some distance from the fort, and marched to the appointed spot, with four hundred men. No person was, there, visible; but at a greater distance a flag was seen, which retired towards the mountain as he advanced, until it led him into an ambush, where, almost enveloped, he was suddenly attacked by the enemy. His troops, with great presence of mind and courage, instantly returned the fire, and were gaining the advantage in the combat, when some one, either coward or traitor, cried out, "the Colonel has ordered a retreat!" upon which immediate confusion was succeeded by a total rout. The troops endeavoured to cross the river to Wilkesbarre, but twenty only escaped from slaughter. Fort Kingston was immediately invested, and, to increase the terror of the garrison, the green and bleeding scalps of their wounded countrymen were sent in for their inspection. Colonel Zebulon Butler having withdrawn himself and family down the river, Colonel Dennison, the commanding officer, went out with a flag, to inquire what terms would be allowed the garrison. He received for answer, two words, uniting Spartan brevity with cannibal ferocity—"The hatchet." This condition, so merciless, he, unhappily, believed would not be inflicted, and surrendered at discretion. But the threat was in execution, more barbarous than in the letter. After selecting a few prisoners, the great body of the captives were enclosed in the houses, fire was applied to them, and they were consumed together.

Wilkesbarre surrendered without resistance, in the vain hope to mollify the fury of the invaders. The continental soldiers, amounting to about seventy, were hacked to pieces. The remaining men, with the women and children, shared the fate of the sufferers in Kingston; they perished in the flames. Although all show of resistance had terminated, the ruin was not yet complete. Near three thousand persons had escaped. Flying without money, clothes, or food, they sought safety in the interior country. To prevent their return, every thing remaining was destroyed. All the dwellings, and other improvements which the labour of years had provided, as well as every living animal which was discovered, was extirpated. The settlements of the tories, alone were preserved; an oasis amid the desert.* Some particular instances of barbarity occurred in this expedition, which stain only civil wars. Parents were murdered by their children, and brothers and sisters fell by the hands of brothers.

A repetition of these scenes, was attempted by a body of about five hundred men, composed of Indians, tories, and a few regulars, who broke into the Cherry Valley settlement, in the state of New York, where Colonel

* Marshall, Ramsay, Gordon.

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Alden was posted with a continental regiment. A serjeant, with a small patrole, was cut off; in consequence of which, the colonel was completely surprised, and, while endeavouring to regain the fort, was killed, with ten of his soldiers; and the lieutenant-colonel, and two subaltern-officers, were made prisoners. The fort was assaulted, but a resolute defence being made, and the assailants having intelligence that relief was approaching the garrison, the enterprise was abandoned, and the party, after repeating the horrors practised in Wyoming, departed from the settlement.

XX. These injuries were in a small degree retaliated—by inroads into the Indian country from Scholarie, under Colonel William Butler; who penetrated as far as the towns of Unandilla, and Anaquaqua, the head-quarters of the celebrated Col. Brandt, an Indian of the half-breed, distinguished for his courage and his cruelty, which he destroyed, with a considerable quantity of corn, laid up for the winter's supply, without discovering an enemy:—By Colonel Hartley, who had been despatched with his regiment, and two companies of militia, to Wyoming—and by Colonel George Rogers Clarke, of Virginia, who, with a small force, and extraordinary exertions, averted the Indian war from his state, and captured the fort at St. Vincents, with its commander, Colonel Hamilton. This officer, with a few of his immediate agents and counsellors, who had been instrumental in the savage barbarities he had encouraged, were by the executive of Virginia, imprisoned in irons.

These expeditions, however beneficial, procured only partial relief. Congress, on being informed that the Indians were fortifying at Chemung, a large settlement about twelve miles from the mouth of Cayuga, a river emptying into the Susquehanna, where a large body of tories was collected, directed General Washington to take measures to disperse this encampment, and to repel the invasion of the savages on the frontiers of New York, New Jersey, and Pennsylvania. But the season of the year being unfit for such an enterprise, it was postponed.

Early in 1779, an extensive plan of operations was devised by General Washington, against the broad and fertile country, lying between the then westernmost settlements of Pennsylvania and New York, and the great lakes, occupied by the Six Nation Indians. These tribes had, from long intercourse with the whites, acquired many of the comforts of civilized life, with enlarged ideas of the advantages of private property. Their populous villages contained some good houses, their fertile fields yielded an abundant supply of corn, and their thrifty orchards, of fruit. A few of their towns were attached to the United States, but the greater portion was under the influence of the British. In the commencement of the war, they had engaged to be neutral; but were unable to resist the seduction of British presents, and their own longings for plunder and slaughter. Many of the loyalists driven from the United States, had taken refuge among them, increasing their strength, without diminishing their ferocity. Into the heart of these villages of mingled whites and Indians, it was now determined to lead a force, which, overpowering any numbers they could bring in the field, would inflict on them a merited punishment for their cruelties of the past year.

The country was to be entered in three divisions. The principal, consisting of three thousand men, marching by the Susquehanna, was to penetrate into the settlements of the Senecas; the second, of one thousand, to proceed by the Mohawk; and the third, of five hundred, by the Alleghany river. To prevent relief from Canada, demonstrations were made of a design to attack that province by the way of Lake Champlain.

XXI. As the army destined for the expedition, was about to move, alarming

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symptoms of discontent appeared in part of it. The Jersey brigade had been stationed through the winter at Elizabethtown, for the purpose of covering the adjacent country from the incursions of the British troops, on Staten Island. It was ordered, early in May, to march by regiments. To this order, General Maxwell replied, in a letter to the commander-in-chief, that the officers of the first regiment had delivered to their colonel, a remonstrance, addressed to the State Legislature, declaring, that, unless their complaints on the subjects of pay and subsistence obtained immediate attention, they were, at the expiration of three days, to be considered as having resigned; and requesting the Legislature in that event, to appoint other officers. General Maxwell added, "this is a step they are extremely unwilling to take; but is such, as I make no doubt, they will all take. Nothing but necessity, their not being able to support themselves in time to come, and being loaded with debts contracted in time past, would have induced them to resign at so critical a juncture." They declared, however, their readiness to make every necessary preparation for obeying the marching orders which had been given, and to continue their attention to the regiment, until a reasonable time for the appointment of their successors should elapse.

General Washington was much afflicted by this intelligence, and sought, in vain, by paternal remonstrance, to change their determination.

The condition of these officers seems to have been one of extreme privation. By a resolution of December, 1777, Congress had recommended to the several States to furnish the officers of their respective quotas, with certain clothing, at the prices current, when the army was established, in the year 1776, the surplus to be charged to the United States. This resolution seems to have been tardily and imperfectly obeyed, notwithstanding the repeated applications of the soldiery. Their pretensions were probably more strenuously urged in a memorial presented to the Assembly, on the 27th of April, 1779, respecting their pay, subsistence and clothing, and were supported by an energetic letter from General Maxwell; all of which were referred to a joint committee of both Houses. That committee reported, "That provision had been already agreed upon, as far as was consistent, previous to an application to Congress; and that if upon such application, no measures are by them adopted in that behalf, it will then be the duty of this State, to provide for its quota of troops, in the best manner they can devise." This resolution was duly approved; but another offered by the same committee, that the letter of General Maxwell contains indecent and undeserved reflections upon the representatives of the State; and that the same be transmitted to Congress, with a proper expression of the disapprobation and displeasure of the Legislature, was negatived.

Moved by the wretchedness of these officers, and the troops they commanded, Governor Livingston, John Cooper, Andrew Sinnickson, Joseph Holmes, Robert Morris, Peter Tallman, Abraham Vannest, Silas Condict, and William Churchill Houston, during the recess of the Legislature, on the fifteenth of January, requested the treasurer to pay into the hands of Enos Kelsey, commissioner for the purchase of clothing, the sum of seven thousand pounds, to be applied in procuring clothes for the officers, agreeably to the resolution of Congress, engaging to replace that sum in the treasury, provided the Legislature, at their next sitting, should not direct it to be credited in the accounts of the treasurer. On the 30th of April, this direction was given by the House, with orders to the commissioners to draw the further sum of twenty-five thousand pounds, for the purpose of furnishing to certain officers, clothing to the amount of two hundred pounds, as the prices then were, upon their paying the sum it would have cost, in the year 1776.

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Still there were conditions annexed to these grants, which rendered them ineffective

On the 7th of May, the remonstrance of the officers was repeated, stating, that they were under marching orders, and in immediate want of a necessary supply. Upon which the House directed the commissioner to furnish them with clothing immediately, to the amount of two hundred pounds, and to pay to the soldiers of the brigade, the sum of forty dollars each. This disbursement removed the obstacle to the march of the brigade. The reason of the delay of the State, in supplying her forces, would seem to be a desire, that some uniform rule to this end, should be adopted by Congress, or that the confederacy should assume the whole duty to itself.

XXII. Before the grand expedition against the Indians, was put in motion, an enterprise of less extent, was successfully undertaken by Colonel Van Schaick, assisted by Lieutenant-colonel Willet, and Major Cochran, and between five and six hundred men, from Fort Schuyler, against the Onondago settlements. Most of the Indians escaped—but twelve were killed, and thirty-four made prisoners, including one white man. The houses and provisions were burned, the country devastated, and the horses and stock slain. The party returned without the loss of a man; and the colonel received thanks of Congress.

The largest division of the western army reached Wyoming, under General Sullivan, in the month of June. Its further progress was delayed for want of provisions and military stores, until the last of July. In the mean while, the enemy was not inactive. Brandt, at the head of some whites and Indians, fell upon the frontiers of New York, murdered many of the inhabitants, carried others into captivity, and burned and destroyed several houses. He was pursued by one hundred and fifty militia, whom he drew into an ambuscade and entirely defeated. A few days afterwards, Captain M'Donald, at the head of another small party, of whom a third were British, took a small fort on the west branch of the Susquehanna, making the garrison, of thirty men, prisoners of war; the women and children, contrary to the usages of the savages, were permitted to retire into the settled country.

Another body of troops designed to compose a part of the western army, had passed the winter on the Mohawk, and early in the season, under the command of General Clinton, marched to Lake Otsego, and thence descending the Susquehanna, united with the main division on the 22d of August. The whole army, amounting to five thousand men, proceeded, by the Cayuga, into the heart of the Indian country. The Indians, apprized of its approach, selected and fortified the ground on which to fight a general action, with no inconsiderable skill. About a mile in front of Newton, and some miles above Chemung, they collected their whole force, consisting, by the computation of Sullivan, of fifteen hundred, but by their own, of eight hundred men, only; with whom were united five companies of whites, comprising two hundred men. They were commanded by the two Butlers, Grey, Johnston, M'Donald, and Brandt. A breastwork had been constructed about half a mile in length, upon a piece of rising ground, having its flank and rear covered by the river, and in other respects, naturally strengthened.

About eleven in the morning of the 29th of August, this work was discovered by Major Par, of the advance rifle corps. General Hand formed his light infantry in a wood a few hundred yards from the enemy, and awaited the arrival of the main body; skirmishing with parties of Indians, who endeavoured to entice them to an incautious pursuit. Conjecturing that the hills on his right, were occupied by the enemy, Sullivan ordered General Poor, supported by General Clinton, to possess himself of them, to turn the

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left and gain the rear of the breastwork, while Hand and Maxwell should attack in front. This manœuvre was speedily decisive. The savages finding their flank uncovered, abandoned their works, and crossing the river, fled with the utmost precipitation. An unavailing pursuit was kept up for a few miles. Their ascertained loss was inconsiderable; but they were so intimidated, that they abandoned all idea of further resistance. The American loss did not exceed thirty. Sullivan penetrated into the heart of the country; which his parties scoured and laid waste in every direction. Every lake, river, and creek, was traced for villages, and no vestige of human industry was spared. Houses, cornfields, gardens, and fruit-trees, shared one common fate; the commanding general strictly executing the severe, but necessary orders he had received, to render the country completely uninhabitable, and thus to compel the Indians to remove to a greater distance. Eighteen villages, a number of detached buildings, one hundred and sixty thousand bushels of corn, and all those fruits and vegetables which conduce to the comfort and subsistence of man, were utterly destroyed. Five weeks were spent in this work of devastation. The want of provisions, alone, prevented Sullivan from endeavouring to render the campaign more decisive, by an attempt on the British post at Niagara.

XXIII. While Sullivan laid waste the country on the Susquehanna, another expedition, under Colonel Broadhead, ascended the Allegheny, against the Mingo, Muncey, and Seneca tribes. With more than six hundred men, he advanced two hundred miles up that stream, and destroyed the villages and cornfields on its head branches, with their wretched proprietors.

This chastisement of the savages was most savage, and is defensible, only, on the ground, that experience had taught, that nothing short of such severity could deter them from the yearly, perhaps, the more frequent, repetition of the scenes at Wyoming. Although the object of the campaign was not thoroughly obtained by terminating the Indian war, the Indians were intimidated; they became less terrible, their excursions less formidable, and less frequent.

XXIV. In the following year, (1780) the Cherokees, forgetting a severe chastisement given them in 1776, made an excursion into Ninety-Six district, South Carolina, massacred some families and burned several houses. General Pickens, with three hundred and sixty-four horsemen, penetrated the recesses of their country; killed forty of the enemy, took several prisoners, and burned thirteen towns and villages. Of his party, one only was killed and two were wounded. No expedition against the Indians was more rapid and decisive than this. The whites did not expend three rounds of ammunition; and yet, of the Indians who made themselves visible, three only escaped. A new and successful mode of fighting was introduced; the horsemen charging with reliance only upon their swords. The vanquished humbly sued for peace, which was granted, on condition, that they would deliver up all British emissaries, who should stimulate them to war.

XXV. These severe inflictions upon the Indian tribes, were the rigid exactions of duty; but we are required to record a massacre by the whites, that may be a pendant for that of Wyoming. An English poet* has, gracefully, sung the sufferings in the last, but no bard has described the horrors of the slaughter at Muskingum. At this place some Indian converts of the Moravians had settled. Under the care of pious missionaries, they had been formed into some degree of civil and religious order, and had adopted the faith, that "The Great Being did not make men to destroy men, but to love and assist each other." Upon this principle, they advised other tribes

* Campbell.

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to desist from war: and from humanity, they premonished the whites, from time to time, of the dangers that threatened them. Provoked by this interference, the hostile Indians removed their pacific countrymen to the banks of the Sandusky. They obtained permission, however, in the fall of the year, to return and collect the crops they had planted. The whites, on the Monongahela, either through misconception or malice, reported, that their designs were inimical; and without due inquiry, one hundred and sixty crossed the Ohio, and slaughtered these inoffensive people, who fell martyrs to their principles of non-resistance. Not less than ninety were thus immolated.

Retribution, however, was not long delayed. Soon after this unprovoked butchery, a party of whites set out with the purpose of destroying the Indian towns on the Sandusky. But being encountered by the Delawares and Wyandots, they were repelled, with the loss of several prisoners, among whom, were Colonel Crawford and his son-in-law. All were offered up to the manes which haunted the Moravian towns of the Muskingum.

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CHAPTER XVI.

Comprising a View of the War in the South.—I. Inert state of the Country in 1779. —II. The British Government adopts views of partial Conquest.—III. Georgia overrun—and Charleston threatened—Unsuccessful Siege of Savannah.—IV. Sir Henry Clinton subdues South Carolina.—V. His measures induce Revolt.—VI. General Gates assumes command of the Southern Army—Battle of Camden.—VII. Battle of King's Mountain.—VIII. Cornwallis reinforced.—IX. General Greene appointed to the Southern Department—Battle of the Cowpens—Retreat to Virginia.—X. Cornwallis retires, is pursued—Battle of Guilford Court House. —XI. Cornwallis marches for Petersburg—Greene for South Carolina—Expedition of Arnold against Virginia—Preparations against him—Defence of Virginia entrusted to La Fayette—Cornwallis takes command of the British Forces in Virginia.—XII. Progress of Greene in recovering the Southern States.—XIII. Sufferings of the Inhabitants.

I. The exertions made by the United States, though not beyond their strength, if put forth with system and discretion, were irregular and violent, and followed by that syncope which invariably attends undue efforts. A general langour had diffused itself through all the civil departments. The alliance with France was supposed to have secured independence, and a confidence that the enemy could not longer prosecute the war with success, prevented that activity which was painful to exert. The wretched policy of short enlistments had been pursued, until correction was impossible. The enthusiasm, which, at the commencement of the contest had overcome all personal considerations, had subsided, and was succeeded by views more particularly selfish, and more durable. From these considerations, it was not until the 23d January, 1779, that Congress authorized the re-enlistment of the army; nor until the 9th March, that requisition was made upon the States, for their respective quotas. The bounty offered, being insufficient to bring the men into the field, resort was again had to the special authority of the States. Thus, at a season when the recruits should have been in camp, they were yet to be obtained; and the public service was exposed to great hazard from the delay. At this period, too, several circumstances conspired to foment pernicious divisions and factions in Congress, which greater danger might have prevented or suppressed.

These dissentions, the removal of individuals of the highest influence, from the national councils to offices in the state governments; the depreciation of the paper currency; the destructive spirit of speculation caused by imaginary gain from this depreciation; a general laxity of principles, the inseparable concomitant of civil war and revolution; the indisposition to sacrifice personal convenience for the public weal; were rocks, on which the vessel of state might yet split, and which required the care of those whom influence and patriotism placed at the helm.*

The knowledge of these facts, deeply affected the mind of the commander-in-chief of the American armies, and gave him many apprehensions for the final result of the contest. They, also, had probably great effect upon the British commissioners; who inferred that the people, worn out by the complicated calamities of the struggle, desired an accommodation on the terms proposed by the ministry, and that the increasing difficulties necessarily resulting from the failure of public credit, would induce them to desert Con-

* Letter of Washington, Marshall, iv. p. 6.

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gress, or compel that body to accede to those terms. These opinions, communicated to their government, undoubtedly continued to protract the contest.

II. The British government, confident of complete conquest, had prosecuted the war with a view to the recovery of the whole of its dominions in America. But the reverses they had sustained, the alliance with France, and the firmness with which the contest had been maintained, together with the rejection of the late pacific propositions, induced a change in the plan of operations. The islands about New York were retained, whilst their arms were principally directed against the southern States, which were less capable of resistance, and on which a considerable impression might certainly be made, and probably extended northward; but, however this might be, the possession of several States, at the negotiation for general peace, would afford plausible ground for claiming to retain them. Of the succeeding campaigns, therefore, the most active and interesting operations were in the southern country. But our limits and our purpose, forbid us to do more than shortly to advert to them.

III. Lieutenant-colonel Campbell, who sailed from New York, in December, 1777, arrived soon after at Savannah, and, in despite of the opposing efforts of General Howe, captured that place; and, aided by General Prevost, who advanced from Florida, reduced without difficulty, the whole state of Georgia; the inhabitants flocking in numbers to the royal standard. This rapid progress of the enemy calling for more efficient measures of resistance, General Lincoln was appointed to the southern command, in September, 1778. Previously, considerable reinforcements had been ordered from the northern army, particularly in the cavalry regiments of Bland, and Lieutenant-colonel Washington. Their march was, however, some time delayed, in consequence of the invasion of Virginia, in May, by Brigadier-general Matthews. His expedition, undertaken principally with the view of destroying the stores which had been laid up on the waters of that State, was but too successful; he having destroyed, in a few weeks, public and private property of immense value, at Norfolk, Portsmouth, Gosport, and the adjacent country.

The greatest force under Lincoln, assembled and armed with much difficulty, amounted to three thousand six hundred and thirty-nine, of whom two thousand four hundred and twenty eight, rank and file, were effectives; one-half, however, were militia; whilst Prevost commanded three thousand effective regulars, aided by many provincials. Lincoln proceeded from Purysburg, into Georgia; and, in the mean time, Provost marched on Charleston with two thousand four hundred regular troops, and a considerable body of Indians, driving before him General Moultrie, at the head of an inferior force. He summoned the town, on the 11th of May, 1779, but was compelled soon after, to raise the siege, by the approach of Lincoln, and to retire to the islands on the coast. On the 20th of June, a sharp but indecisive affair took place between twelve hundred Americans and seven hundred British, at Stono Ferry, in which the former lost one hundred and fifty men, with the much lamented Colonel Roberts. Prevost, retreating from island to island, soon after returned to Port Royal and Savannah, his troops enriched by the indiscriminate plunder they had made.

The Count D'Estaing, after a successful cruise to the West Indies, pursuant to the instructions of his court, and the solicitations of Lincoln and the authorities of South Carolina, arrived (September 1st,) on the coast of Georgia. He summoned Savannah, but suffered himself to be amused by Prevost for several days, until the latter had called in his troops, and was fully prepared for defence. Being joined by Lincoln, a formal siege was commenced; the ground being broken on the 23d of the month, and the ad-

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vances made with every prospect of final success. The impatience of the French commander and his officers, excited by the dangers of the hurricane season, induced an assault on the 9th of October, with thirty-five hundred French, and six hundred continental troops; which, though bravely made, was bravely and successfully repelled. Count D'Estaing and Count Pulaski, were both wounded,—the former slightly, the latter mortally. The loss of the French was six hundred and thirty-seven, and of the Americans two hundred, men. The militia returned to their homes, and the French fleet and army to the West Indies. This visit of the fleet, however, disconcerted the British plans for the campaign, and occasioned the withdrawal of their army from Rhode Island; and their efforts in the south resulted in the possession of Savannah merely.

IV. Upon intelligence of these events, both parties sought to strengthen their respective forces, in the south. A large detachment, under Sir Henry Clinton, in person, sailed from New York, late in December, leaving the defence of that city to General Knyphausen; whilst Washington despatched southward, the troops of North Carolina, the new levies of Virginia, the rear division of Bland's and Baylor's cavalry, and afterwards, the Virginia line. In his passage, Sir Henry encountered a storm, which endamaged him so much as to require a reinforcement and supplies from New York. Charleston was his primary object, against which he proceeded from Savannah, on the 10th of February, 1780; approaching by way of the islands with great caution. On the first of April, he broke ground, within eight hundred yards of the American works, and on the 12th of May, the town capitulated. General Lincoln and his army, consisting of two thousand effectives, became prisoners. During the progress of the expedition, several sharp encounters took place, between small parties. The cavalry under General Huger, stationed about thirty miles above Charleston, was attacked and routed by Colonel Tarleton and Major Ferguson, on the morning of the 14th of April, and four hundred horses captured; and on the 7th of May, the remnant collected under Colonel White, of New Jersey, at Monk's Corner, was again charged and dispersed by the same active British officers.

Having possession of the capital, Sir Henry employed himself in reducing the country; despatching parties in various directions over it. The inhabitants vied with each other in devotion to the royal cause, and many, even of the citizens of Charleston, enlisted under the royal banners. In these operations, the only circumstance meriting special notice, was the surprise and defeat of Colonel Burford, by Colonel Tarleton. Burford commanded a regiment of new levies from Virginia, who arrived too late to aid Charleston. Upon the surrender of the city, he commenced his retreat, but was overtaken by a rapid march of one hundred and five miles in fifty-four hours. No quarter was given, and the carnage was horrible; one hundred and thirteen were killed on the spot; and one hundred and fifty so badly wounded, that they could not be removed. So confident was Sir Henry of having conquered the State, that he proclaimed the pacification, and released from their parole his militia prisoners, those taken in Charleston and Fort Moultrie excepted; and with the most sanguine hope of the recovery of all the southern States, he embarked for New York, on the 5th of June, leaving in South Carolina, about four thousand regulars, under Lord Cornwallis.

V. The parole of the American prisoners recognised their character of aliens to Great Britain; their release from it, avowedly, restored, without their assent, their relation of subjects; and its effect was to compel them to assume arms against their countrymen. Had they been suffered to enjoy the quiet of non-combatants, they might have remained unarmed; but they would not submit to the degradation of fighting the battles of the oppressor.

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The proclamation sowed the teeth of the hydra, and armed men sprang up in every direction, to resist the British power.

The Delaware and Maryland lines, with the first regiment of artillery, were ordered to South Carolina, under General de Kalb; and exertions were made in Virginia to increase this force. The exiles from the north and west parts of the State, to the number of six hundred, collected under Colonel Sumpter, and were soon strengthened by a corps of militia, which had been collected by Cornwallis. The latter circumstance demonstrating the temper of the people, induced the British general to draw in his outposts, and arrange his troops in larger bodies.

VI. An army of two thousand men was thus formed, of which General Gates took the command, on the 25th of July. He, changing the dispositions of De Kalb, marched by the most direct route towards the enemy's post at Camden; and, unhappily, through a barren country, in which his troops suffered greatly from famine and unwholesome food. On his way he was joined by the North Carolina militia, under General Caswell, and some troops commanded by Lieutenant-colonel Peterfield. He arrived on the 13th of August, at Clermont, or Rugely's Mills, whence Lord Rawdon withdrew at his approach. And, here, the militia from Virginia, under General Stevens, also came to his aid. With a force, now, of about four thousand men, he marched rapidly, in the hope of surprising Camden. At the very hour of his departure from Clermont, Lord Cornwallis left Camden, with the design of striking him a sudden blow; and, to their mutual surprise, the hostile armies encountered in the woods, at about two o'clock of the morning of the 16th of August. The ground did not permit Gates to avail himself of his superiority in numbers, and Cornwallis restrained the ardour of his troops, that he might, with the light, better direct their disciplined valour. With the dawn the action commenced. The militia shamefully fled, carrying Gates with them, from the field of battle, in his endeavours to rally them. De Kalb, at the head of the continental troops, maintained the fight with some success, until overpowered by numbers, they were broken, and he fell under eleven mortal wounds. The Americans lost the greater part of their baggage, stores, and artillery; and by the estimate of the enemy, eight hundred men killed, and one thousand prisoners. Previous to the battle, a party was detached under Lieutenant-colonel Woolford, of Maryland, to unite with Sumpter, to intercept an escort of stores, for the garrison at Camden. This enterprise was successful; but the party was, afterwards, surprised by Tarleton, near the Catawba Ford, and was beaten and dispersed with the loss of between three and four hundred men, killed and wounded.

Notwithstanding the victory, Lord Cornwallis was unable to proceed against North Carolina, and to prosecute the career which he had proposed; his troops being enfeebled by sickness, and the hostile disposition of the citizens rendering it unsafe to remove any considerable portion of them from the State. The disasters, however, of the American arms, chilled the spirit of resistance; yet it was kept alive by the exertions of those able partisans, Sumpter and Marion, and was again reanimated, by the severity with which Cornwallis punished, as traitors, the militia who deserted his standard—producing but a fiercer resistance, and a capacity to brave and to bear the extremity of suffering. But the designs of the British commander were only suspended. He resumed them by despatching Major Ferguson into the western part of North Carolina, to rouse and organize the tory inhabitants; whilst he marched himself, late in September, to Charlotte, where he proposed to await the result of Ferguson's endeavours. That officer, attempting to intercept Colonel Clarke of Georgia, in his retreat from an unsuccessful attack upon Augusta, removed nearer to the mountains, where

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a short delay proved fatal to him. Several corps of hardy mountaineers, from the western parts of Virginia and North Carolina, under Colonels Campbell, Cleaveland, Shelby, and Servier, moved upon him with great celerity, whilst Colonels Williams, Tracy, and Brannan, from South Carolina, approached the same point. These forces, together three thousand strong, united at Gilbertstown. Sixteen hundred of the best mounted marksmen pursued Ferguson, who, apprized of their approach, pushed for Charlotte. He was overtaken, on the seventh of October, upon King's Mountain, attacked by three divisions, respectively, commanded by Shelby, Campbell, and Cleaveland, against each of whom, in the order of their arrival, he turned with considerable effect, the fearful bayonet; sustaining the conflict for more than an hour, and until he received a wound which caused his instant death. His second in command instantly demanded quarter. Of the enemy one hundred and fifty were killed, as many wounded, and eight hundred and ten were made prisoners; among the latter were one hundred English regulars. A valuable and timely prize was obtained in fifteen hundred stand of arms. The American loss was inconsiderable, but among the slain was Colonel Williams. Ten of the most active tories were selected and hung on the spot, in retaliation of the cruelties committed on the whigs at Camden. This misfortune compelled Cornwallis, who had crossed the Yadkin, to retrace his steps as far as Wynnesborough, where he awaited reinforcement. The militia were unable to follow up their successful blow for want of provisions.

VIII. Confident in the progress of Cornwallis, Sir Henry Clinton despatched from New York, on the 16th of October, three thousand men, under General Leslie, against Virginia, who, after some depredations, were ordered to Charleston, by sea, in consequence of the defeat of Ferguson. In the interim, Cornwallis was employed in suppressing the hostile efforts of the inhabitants, under Marion, Sumpter, Clarke, and Brannan. The most important of these affairs was that with Sumpter, on November 20th, at Blackstocks, near Tyger river, in which he repulsed Colonel Tarleton, with great loss.

IX. Gates slowly collected, at Hillsborough, the shattered remains of his army defeated at Camden. Being recalled, he delivered the command to his successor, General Greene, at Charlotte, on the 2d of December. His greatest efforts had not collected more than two thousand men, of whom a full third were militia, with which Greene took the field against a superior regular force, flushed with successive victories. But even this small army he soon divided; sending Morgan, with a considerable detachment to the western extremity of South Carolina, whilst he conducted the main body to Hicks's Creek, on the north side of the Pedee river, opposite the Cheraw Hills. Cornwallis, who was, again, preparing to proceed against North Carolina, but could not leave Morgan in his rear, sent Carleton against him, with orders to push him to the utmost. Morgan, with an inferior force, consisting, in a great measure, of militia, firmly awaited his approach, at the Cowpens, three miles from the line separating North and South Carolina. In the encounter which ensued, on the 17th of January, 1781, Tarleton was defeated with the loss of three hundred killed and wounded, and five hundred prisoners, eight hundred muskets, thirty-five baggage wagons, and one hundred dragoon horses. The impetuosity which had frequently served this energetic partisan, was, now, the cause of his defeat. Upon tidings of this victory, Greene hastened to join Morgan, directing his own corps to Guilford Court-house; and with great exertions, the prisoners and baggage were secured. In the pursuit, the British army sacrificed its baggage and every thing, not indispensable to action or the existence of the troops, and hung, almost constantly, on the American rear. Twice, at the Catawba and the Yadkin, the Americans were saved by the rising of the waters after their

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passage and before the arrival of the British. The two divisions of the American army united at Guilford Court-house; but too feeble for combat, the commander resolved to continue his retreat across the Dan to Virginia. The pursuit was so hotly followed, that as his rear crossed that river, the British van was in sight.* Thus baffled, Cornwallis retired to Hillsborough, with the view of rousing the tories; whilst Greene immediately recrossed the river to mar his labours,† in which he was eminently successful. General Pickens and Colonel Lee fell in with three hundred and fifty tories, under Colonel Pyle, on their way to the British army, whom they cut to pieces amid their shouts of "God save the King," and protestations of loyalty, which they uttered in the belief, that the assailants were royalists.

Cornwallis now retired, yet seeking a proper occasion for battle; sometimes turning upon the pursuer, and compelling him to retread his steps. At length, Greene having received all the reinforcements he had reason to expect, resolved to give battle, and marched, for that purpose, to Guilford Court-house. Cornwallis promptly accepted the offer. The American troops amounted to four thousand two hundred and sixty-two, of whom one thousand four hundred and ninety were regulars; the British did not exceed two thousand four hundred veterans. Greene selected his ground, and the issue was joined on the 15th of March. After a fierce combat, in which his troops, generally, behaved well, Greene was compelled to retreat; but the victory was dearly purchased, by the loss of five hundred and thirty-two killed and wounded, being much greater than that sustained by the Americans. Greene retired but a few miles, and awaited another attack; but Cornwallis, much enfeebled, left his wounded to the care of the loyalists in the neighbourhood, and pushed rapidly for Wilmington, where stores had been lodged and supplies might be obtained. Greene, also, leaving his hospital to the Quakers of the vicinage, whom he reminded of his former fraternization, as rapidly followed to Ramsay's Mills, on Deep River; where excessive fatigue, the want of food, and the release of his militia, compelled him to stop.

XI. After resting his troops, for about three weeks, at Wilmington, Cornwallis crossed the country to Petersburg. He pondered long before he adopted this northern course, when informed that Greene had taken the bold resolution to attempt the recovery of the southern country. He concluded, at length, that if Lord Rawdon, who commanded there, should have been defeated, he might dread his own safety; but if he had sustained himself, a return would be an useless abandonment of the ground he had gained. On the departure of Leslie from Virginia, the traitor, Arnold, entered that State, (on the 30th of December) and after committing many depredations, established himself at Portsmouth, on the 20th of January. Against him, Washington proposed to send, under La Fayette, twelve hundred men, of the New England and New Jersey lines, and, also, to employ the whole French fleet from Newport. Two frigates, however, only, sailed, which though inoperative in the original design, captured the Romulus, of fifty guns, passing from Charleston to the Chesapeake. Flattered by this success, the French admiral despatched a larger expedition to the same point; which encountering a British fleet, under Arbuthnot, near the Capes of Virginia, was so much endamaged as to return to Newport, leaving La Fayette at Annapolis, where he had repaired for convoy. That general returned to the head of Elk, whence he was directed to join the southern army. In the interim, General Phillips had embarked for the Chesapeake, with two thousand men, and arrived at Portsmouth on the 26th of March, 1781. This reinforcement, giving the British a decisive superiority in Virginia, changed the des-

* February 14th, 1781. † February 21st.

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tination of La Fayette, to whom the defence of that State was now committed. For near two months, Phillips and Arnold prosecuted a predatory war, destroying immense quantities of tobacco and stores, and marking their course by terrible devastations; La Fayette and Steuben, endeavouring in vain to stay them, except in the protection of the magazines at Richmond. On the 20th May, Lord Cornwallis joined Arnold at Petersburg, a few days after the death of Phillips, and assumed the command of the whole British force in the State.

Against him, General La Fayette, aided by General Wayne, maintained a war of posts for the space of three months; until Cornwallis, impressed with the necessity of providing a strong place of arms in the Chesapeake, selected Yorktown, as a station for his army, and Gloucester Point, for his fleet, to which he retired with his whole force, increased to seven thousand men. From the Virginians, he had derived little aid. They either united with the continental army, or, more commonly, kept out of the way of the British. Few purchased safety by submission.

XII. Having thus followed Lord Cornwallis to an hour big with his own fate, and that of the war, we return to General Greene, who, with equal courage and ability, had turned his arms to the south. A line of posts had been constructed by the British from Charleston, by the way of Camden and Ninety-Six, to Augusta, in Georgia, the most important point of which was Camden. The forts, generally garrisoned by a few regular troops, united with the tory militia, were only slightly fortified to resist the sudden attack of the militia of the neighbouring country, no apprehensions being entertained of a more formidable enemy. Greene was fully aware of these unfavourable circumstances. "I shall take," said he, in a letter to General Washington, "every measure to avoid misfortune. But necessity obliges me to commit myself to chance, and if any accident should attend me, I trust my friends will do justice to my reputation." He detached Lee to unite with Marion, and Pickens, to assemble the western militia, and lay siege to Ninety-Six; and, marching himself on Camden, encamped before it on the 19th April. He manœuvred several days around the place, and, on the 25th, fought a severe battle with Lord Rawdon, at Hobkirk's Hill, with loss to either party, of about two hundred and fifty men. Although Greene retreated from the field, he did not abandon his views on Camden, until Rawdon was reinforced in the close of the month, by the corps of Colonel Watson, amounting to five hundred men. He then withdrew behind Sawney's Creek, and declined the battle, which Rawdon again offered. In the mean time, Forts Watson and Mottehouse, had surrendered to Marion and Lee, and Fort Orange, to Sumpter. Rawdon, abandoning the upper country, retired to Monk's Corner, to protect the district around Charleston. Compelled thus to comparative inactivity, he beheld the smaller posts reduced, and Seventy-Six in imminent danger from the attack of General Greene. From this mortifying state, he was relieved by the arrival of three regiments from Ireland, which again enabled him to overrun the state, and forced Greene to retreat before him, by the road to Charlotte. An eager race ensued, in which both parties divested themselves of whatever could stay their speed. But at the Enoree, Lord Rawdon gave it over as hopeless. The retreat ceased with the pursuit, Greene halting on the north side of the Broad river; and, on the 12th July, he took post on the high hills of Santee.

Lord Rawdon, still holding his purpose of concentrating his forces in the lower country, withdrew his garrison; but soon after availed himself of permission to return to Europe. The command devolved on Colonel Stuart, who advanced to the post near the junction of the Congaree, and Wateree, where he was greatly annoyed by the corps of Marion and Washington. After

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a period of comparative repose, Greene recommenced active operations on the 22d of August, and, being strengthened by the militia and state troops of South Carolina, followed the British army to Eutaw, where it was reinforced by a detachment from Charleston. Greene was here joined by Marion, on the 7th September, and resolved to attack the British camp next day.

The battle of Eutaw Springs, was one of the most obstinate of the war. It was fought with about equal numbers, (2000) and ended in equal loss. The American killed, wounded, and missing, were estimated at five hundred and fifty-five; the British, at six hundred and ninety-three. But the American dead, owing to an obstinate contest on unfavourable ground, was most numerous. Among them, was Lieutenant-colonel Campbell, who fell whilst leading the Virginia brigade with trailed arms to a bold and decisive charge, which broke the British line. Colonel Washington was taken prisoner, having been unable to extricate himself from his horse, which, being killed, had fallen upon him. Both parties claimed the victory, but Stuart was compelled to withdraw to Monk's Corner, whilst Greene returned to the high hills of Santee, where his troops became too much enfeebled by disease, for active enterprise. The battle of Eutaw may be considered as closing the national war in South Carolina. A few excursions were afterwards made by the British, but with no more consequence than the loss of property and individual lives. On the 18th November, Greene moved down into the lower country, and the British retired with their whole force to the quarter-house within Charleston Neck, and the conquerors, who had carried their arms to the extent of the State, aimed at nothing more, than to secure themselves. After the capitulation at Yorktown, the British post at Wilmington, in North Carolina, was evacuated, and the troops in Georgia, were concentrated in Savannah.

The labours and exertions of the southern army were highly meritorious, but the successful activity of the legion under Lee, claims particular attention. It was, from its structure, peculiarly adapted to partisan war; and, being detached against the weaker posts of the enemy, had opportunities for displaying all its energies. In the extensive sweep from the Santee to Augusta, which employed, from the 15th April, to the 5th June, 1781, acting in junction, first with Marion, afterwards with Pickens, and sometimes alone, it constituted the principal force which carried five British posts, and made eleven hundred prisoners. At the commencement of the campaign of 1781, the British were in force all over the state; at its close, they durst scarce venture twenty miles from Charleston. At its commencement, the country had been completely conquered, and was defended by a regular army, estimated at four thousand men. The inhabitants were so divided, as to render it doubtful, to which side the majority was attached. At no time did the effectual continental force, which General Greene could bring into the field, amount to two thousand men; of whom a considerable portion were raw troops. Yet, by a course of judicious movement, bold action, and hardy enterprise, in which he displayed invincible constancy and courage, happily, tempered with prudence, he recovered the southern States; and, at the close of the year, civil government was fully established therein. A full portion of praise due to these achievements, belong to his troops. They bore every hardship and privation with patience and constancy. In his officers, the general was peculiarly happy. Unshackled by those, who, without military talent, had, through political influence, obtained high rank, his orders were executed by young men of equal spirit and intelligence, formed in the severe service of the north.

XIII. The sufferings occasioned by the ardent struggle for the southern States, were not confined to the armies. The inhabitants underwent the se-

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verest inflictions. Reciprocal injuries sharpened the resentment of contending parties, and armed neighbour against neighbour, in a war of extermination. As the parties, alternately, triumphed, opportunity was given to either for the exercise of vindictive passions, which derived new virulence from the example of the British commanders. When they had overrun Georgia, and South Carolina, they considered these States as reannexed to the British empire, and manifested a disposition to treat as rebels, all who, having submitted, resumed arms. One of their executions, that of Colonel Hayne, took place on the 3d of August, whilst Lord Rawdon was in Charleston, preparing to sail for Europe. The disposition to retaliate, to the full extent of their power, was equally strong in the opposite party. When Fort Granby surrendered, the militia attached to the legion, manifested so strong a desire to break the capitulation, and to kill the most obnoxious of the prisoners, who were tories, as to produce a solemn declaration from Greene, that he would put any man to death, who should commit an act so atrocious. Lieutenant-colonel Grierson, of the loyal militia, was shot by unknown marksmen; and, though a reward of one hundred guineas was offered for the perpetrator, he was never discovered. "The whole country," said the general, "is a continued scene of blood and carnage."*

* Ramsay, Gordon, Marshall.

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CHAPTER XVII.

I. Condition of the Armies in the North.—II. British Expedition against the Forts on the North River.—III. Expedition under Tryon, against Connecticut.—IV. Capture of Stony Point, by Wayne.—V. Attack of the British Post, on Penobscot river.—VI. Major Lee assaults Paules Hook.—VII. Effects of the System of Paper Currency.—VIII. Spain declares War against England.—IX. Prospects of the Campaign of 1780.—X. The American Army retires into winter quarters.—XI. Marauding Parties of the Enemy in New Jersey.—XII. The Army at Morristown supplied by forced levies of Provisions.—XIII. Washington attempts the British Post at Staten Island—XIV. Difficulties arising from the want of political power in Congress.—XV. Discontents of the Army—Mutiny of the Connecticut troops.—XVI. Knyphausen invades New Jersey—Murder of Mrs. Caldwell, and of her Husband.—XVII. Battle of Springfield.—XVIII. La Fayette returns to the United States.—XIX. Renewed efforts for the Defence of the Country.—XX. Arrival of the French Fleet and Army—Plans consequent thereon.—XXI. Treason of Arnold.—XXII American Army retires into winter quarters.—XXIII. European combinations against Great Britain.—XXIV. Revolt of the Pennsylvania line—of the Jersey line—Discontent of the Inhabitants of New Jersey.—XXV. Gloomy Prospect for the year 1781.—XXVI. Combined Operations of the French Fleet and Allied Armies, against Cornwallis—His Capture.—XXVII. New London taken and burned by Arnold.—XXVIII. Condition of the Country for the Campaign of 1782—Resolutions of the British Parliament in favour of Peace.—XXIX. Malignity of the Tories—Murder of Captain Huddy.—XXX. Cessation of Hostilities—Treaty of Peace.—XXXI. Disbanding of the Army.—XXXII. Public Entry of Washington to New York—takes leave of his Officers—Surrenders his Commission to Congress.

I. The apathy which we have noticed, as paralyzing the efforts of the people of the United States, at the commencement of the year 1779, was also visible in the operations of the British government. The ministry had lost the hope of reducing all the revolted colonies to obedience, and the desire of vengeance alone seems to have inspired the plan of the ensuing campaign, which was publicly announced to be that of rendering the colonies of as little avail as possible to their new connexions. With this view the operations in the northern States were conducted.

The force under Sir Henry Clinton, at New York, Rhode Island, and Virginia, was estimated at more than sixteen thousand men, whose efficiency was greatly increased by the co-operation of a powerful fleet, enabling the general to concentrate and direct it, at pleasure. The grand total of the American army, exclusive of the troops in the south and west, was also about sixteen thousand; of whom three thousand were with Gates, in New England—seven thousand with Washington, at Middlebrook, and the residue in the Highlands, under M'Dougals, and on the east side of the Hudson, under Putnam.

II. After the destruction of Forts Clinton and Montgomery, in 1777, the fortifications for defending the Hudson, were established at West Point, and at Stony and Verplank's Points, at King's Ferry, over which the great road between the middle and eastern States passed. Against these posts Sir Henry Clinton proposed to open the campaign by a brilliant *coup de main*. Washington, notwithstanding the financial embarrassments of the country, having always specie to reward spies, soon learned this intention, and made his dispositions to repel the attack. On the 30th of May, the forces selected for the expedition united with that from Virginia under Matthews, which arrived on that day, at New York, were conveyed to their

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destined point, by the fleet under Sir George Collier. The works at Stony Point being incomplete, were abandoned without resistance, and as they commanded those on the other bank, the latter were surrendered—Captain Armstrong and his garrison becoming prisoners. Both forts were completed by the enemy, and put into the best state of defence.

III. The contiguity of Connecticut to New York, its extent of coast, the supplies which it furnished to the continental army, and the many cruisers which plied in the Sound, rendered that State peculiarly obnoxious to the enemy, and provoked an enterprise against it, which was stimulated, also, by the hope, that Washington might thereby be drawn from his impregnable position on the North river. Governor Tryon, with a force of twenty-six hundred men, reached New Haven on the 5th of July, before the inhabitants had notice of his approach. The militia hastily assembled, but their opposition was feeble. The invaders having seized the town, and destroyed the naval and military stores, proceeded on the succeeding day, along the coast to the village of Fairfield. They experienced more resistance here, yet the spirited conduct of the people served but as a pretext for reducing the town to ashes, for the wanton destruction of private property, and for the maltreatment of the unarmed inhabitants of both sexes. From Fairfield, the British troops passed over the Sound to Huntingdon Bay, where they remained until the 11th, when they recrossed the water to the Cow Pasture, a peninsula on the east of Newark. At the same time a larger detachment from the main army approached Horse Neck, demonstrating a design of penetrating the country in that direction.

General Parsons, who had been despatched by Washington, to aid and direct the efforts of his countrymen, attacked the British with a considerable militia force, on the morning of the 12th, so soon as they were in motion, and kept up throughout the day an irregular and distant fire, but was unable to check their progress. After burning the town of Norwalk, Tryon returned to Huntingdon Bay, to await supplies and reinforcements; and was thence ordered to White Stone, where, in conference with Sir Henry Clinton, and Admiral Collier, it was determined to proceed, with increased force against New London. But this incursion was postponed by the assault of the American army, on the newly captured posts on the North river.

IV. By an original plan a simultaneous attack on both posts was intended; but it was, subsequently, resolved to proceed against Stony Point, as a distinct object. The enterprise was committed to General Wayne, with whom Major Lee was associated. He set out at the head of a strong detachment, at noon, and completed a march of about fourteen miles, by eight o'clock of the evening of the 15th of July; the hour of twelve being fixed for the assault. The garrison consisted of six hundred men, commanded by Lieutenant-colonel Johnston. The dispositions for the assault were made at Spring Steels, one and a-half mile from the fort. Instructions were given to attack the works on the right and left flank, at the same moment. The regiments of Febiger and Meiggs, with Major Hull's detachment, formed the right column, and Butler's regiment, with two companies under Major Murphrey, the left. One hundred and fifty volunteers, led by Lieutenant-colonel Fleury, and Major Posey, constituted the van of the right; and one hundred, under Major Stewart, that of the left. At half past eleven, the two columns moved on to the charge, the van of each, with unloaded muskets, and fixed bayonets; each preceded by a forlorn hope of twenty men, commanded, respectively, by Lieutenants Gibbon and Knox. The assailants reached the marsh, in front of the fort, undiscovered. Both columns rushed forward, under a tremendous fire of musketry and grape shot, and entered the works at the point of the bayonet, and without discharging a single piece,

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obtained possession of the post. The humanity of the conquerors was not less honourable than their courage. Not a single individual suffered after resistance had ceased.

All the troops distinguished themselves, whose situation enabled them so to do. Colonel Fleury was the first to enter the fort, and to strike the British standard. Major Posey mounted the works almost at the same instant, and gave the watch word, "*The fort is our own.*" Lieutenants Gibbon and Knox executed the service allotted to them, with intrepidity which could not be surpassed. Of the party of the former, seventeen were killed or wounded; and the whole loss was a hundred. Of the garrison, sixty-three were killed, and five hundred and forty-three made prisoners; and a large quantity of military stores was taken.

The attack on Fort Fayette, though postponed, to that on Stony Point, was not abandoned. Two brigades, under General M'Dougal, had been ordered to attempt the works at Verplank's, where Colonel Webster commanded, so soon as Wayne should obtain possession of Stony Point. The messenger, directed to apprize M'Dougal of Wayne's success, did not communicate with him on his way to camp; and this error, or negligence, was followed by others, which defeated subsequent efforts upon the place, until it was relieved by Sir Henry Clinton, who, to save it, relinquished his views upon Connecticut. The failure to obtain the fort on the east side of the river, diminished the advantages expected from that on the west; and the latter, requiring for its defence, a much larger force than could be spared for such a purpose, was abandoned. Sir Henry, immediately, resumed possession, repaired the fortifications, and regarrisoned it; and afterward retired to Philipsburg. General Washington maintained his post in the Highlands. While the armies watched each other, frequent rencounters took place, between small parties, which were of no other importance, than to evince the intrepidity, common to the junior officers, who had been formed during the war. At length, Sir Henry Clinton withdrew into York Island, and employed himself in strengthening its fortifications, that he might direct his principal efforts against the southern States, and compensate for the abstraction of the fleet, now sent to relieve Penobscot.

V. Early in June, Colonel M'Clean from Nova Scotia, with six hundred and fifty men, had taken possession of a defensible piece of ground on the Penobscot river, where he commenced such fortifications, as intimated a design to maintain the position. This measure threatened a serious diminution of the territory of the State of Massachusetts, and great exertions were, consequently, made to dislodge him. A considerable naval force, under Commodore Saltonstall, carried out, between three and four thousand men, commanded by General Lovell, which appeared before the new and unfinished work, on the 25th of June. Lovell effected a landing, with the loss of fifty men killed and wounded; erected a battery within seven hundred and fifty yards of the main work of the enemy, and kept up a warm cannonade for several days. Making little progress with his militia, he applied, through the governor of Massachusetts, to General Gates, commanding at Providence, for a reinforcement of four hundred continental troops; and Colonel Jackson and his regiment were immediately put in motion. But, on the 13th of August, Sir George Collier arrived in the river, with a superior naval force. Lovell immediately re-embarked his army, so silently as to be undiscovered by the garrison, who, in their lines, awaited an expected assault. His fleet offered a show of resistance, that the transports might escape up the river, and land the troops at a convenient point for further retreat. But the British admiral disregarded this stratagem; the Americans gave way, and a general chase and unresisted destruction ensued. The troops landed in a

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wild desert country, through which they had to explore their way without provision or other necessaries, for more than a hundred miles, before they could obtain supplies.

VI. The successful enterprise at Stony Point, was speedily followed by another, which equalled it in boldness of design. After Sir Henry Clinton had retired down the Hudson, Major Lee was employed on the west side of the river, to watch the proceedings of the British at Paules Hook, and the motions of their main army. The careless confidence of the garrison of the Hook, suggested to him the idea of surprising and carrying it off. The attempt was one of much danger, owing to the difficulty of access, and the greater difficulty of safe retreat, which, without boats to cross the Hackensack, must be made for many miles up that river, on the narrow neck between it and the Hudson, and could be secured, only, by its celerity. On the night of the 18th of August, a detachment from the division of Lord Stirling, including three hundred men designed for the expedition, was ordered down, as a foraging party. The American troops having frequently foraged in this vicinage, the movement excited no suspicion. Lord Stirling followed, with five hundred men, and posted himself at the New Bridge, over the Hackensack, so as to afford assistance, should it be necessary. The assailing party, under Major Lee, having passed the outworks, undiscovered, entered the main work at the Hook, at about three o'clock in the morning; and after a feeble resistance, with the loss of only two killed and three wounded, made one hundred and fifty-nine prisoners, including some officers. Very few of the British were killed. Major Sutherland, who commanded the garrison, threw himself, with forty or fifty Hessians, into a strong redoubt, which it was thought unadvisable to attack, lest the time employed, should endanger the retreat; the guns fired in New York and from the ships in the harbour, giving full evidence, that the alarm was complete. Wasting no time, therefore, in destroying works, which could easily be replaced, Lee, expeditiously, withdrew with his prisoners. To favour his retreat, boats had been placed at Dow's Ferry, on the Hackensack, near the Hook, with instructions to the officer in command, to await his arrival, which it was supposed would be before morning. Day appearing without the detachment, the officer supposed the attack had been postponed, and retired with his boats to Newark. The column, though greatly fatigued, was compelled to proceed to New Bridge, covered by the force of Lord Stirling. By mutual mistake, this party, and a party under the tory Colonel, Vanbuskirk, which crossed each other, avoided a battle, each supposing, that it was opposed by a superior force.

VII. Among the causes which now operated to paralyze the exertions of the Americans, was the depreciation of the paper currency. We have seen the extraordinary spectacle of thirteen colonies, and afterwards States, wholly independent of each other, carrying on, by themselves and their deputies, a burdensome war, against one of the most powerful nations of the earth; raising armies on the most expensive, as well as dangerous, establishment; carrying war into a neighbouring State, and equipping an efficient, though small navy;—without commerce and without revenue. These almost miraculous events were produced, in a great measure, by a paper currency, sustained by the ignorance, the confidence, and the patriotism of the people.

Paper money was a familiar agent throughout the continent; and south of New England, with the exception of South Carolina, its credit had been, generally, well preserved; the quantity being much below the demand of commercial exchange. Its extension, therefore, in the first stages of the revolution, was hailed by all classes as a real benefit—as a supply of vital fluid to the body politic, which renewed and increased its vigour. The commerce of

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the colonies with England was a perpetual drain of their specie; and the business of the continent, always languished for want of a circulating medium. At the commencement of the revolution, too, the quantity of coin usually in the country, was greatly diminished. When the intercourse with Great Britain had ceased, and the credit of the colonists with their merchants was discontinued, part of the current gold and silver was absorbed in the payment of balances; part by the operations of the new authorities, particularly, in the expedition to Canada; and part by the hoarding of those, who foresaw the effects of the almost boundless extension of the paper system.

The necessity, therefore, of a circulating medium co-operated, admirably, with the patriotism of the people, to facilitate the use of the continental bills of credit; and, though, no specific funds were pledged for their redemption, and the government had none competent to that object, the occasion and the circumstances, gave such confidence in their value, that he was deemed a traitor to his country, who manifested a suspicion, that the public faith would not be religiously observed. So early as January, 1776, Congress passed a resolution on this delicate subject, denouncing against those who should discourage the circulation of the bills, the penalty of being deemed enemies to their country.* But this delusion could not be complete with thinking men, nor permanent with any class. As the quantity of bills daily increased, and soon exceeded all demands for commercial purposes, and could neither find their way into foreign countries nor be absorbed at home, their value became, necessarily, greatly impaired, and their redemption at par impracticable.

Aware that this truth must be betrayed, to all, by its effects, Congress laboured to procrastinate an event, pregnant with difficulties, they could not surmount. The emissions were small, as possible, and disbursements so parsimonious, as almost to produce the mischief dreaded, from that want of pecuniary resources which might result from the failure of public credit. The first emission was of two millions of dollars, in June, 1775, to which a further million was added, on the 25th of the following month, and on the 29th of November, an additional three millions. All these sums were to be redeemed by four annual payments, the first of which, on the last emission, to be made, on or before the last day of November, 1783; and the quota of each colony, was apportioned to the relative number of its inhabitants. These sums were supposed to be adequate to defray expenses to the 10th of June, 1776. But the march of events, soon required further issues, and by the 22d of July, 1776, they amounted to twenty millions, which, for some months, were, almost universally, received at par. Thus, whilst the ministry of England were perplexed to raise supplies, the American patriots, gave the power of gold to paper rags, by simple volition.

But it was not in the power of Congress to limit the issue of paper money; the right to emit it pertaining to every State, and being liberally exercised. To economise disbursements, to call in by taxes a part of the sums disbursed, thereby, diminishing the quantity, and increasing the demand, were the only possible means of preventing such an accumulation, as infallibly to continue its depreciation, until it should, entirely, cease to be a circulating medium. But the disbursements were made by too many hands to be economised, and the power of taxation was not in Congress. That body could, only, recommend the imposition of taxes, and their recommendations were, perhaps, the less attended to, because, whatever might be the public exigencies, the measure was, at all times, unpopular, and could, only, be effectual, by being universal. It was earnestly recommended, to the several colonies, and after-

* Marshall.

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wards to the States, to adopt measures to redeem their quotas of the bills of credit emitted by Congress; but such was the danger apprehended from immediate taxation, that the payment of the first instalment of the first emission, was to be postponed until 1779, by which time it was certain the depreciation must be considerable.

Depreciation had made much progress, before the taxation commenced, and the remedy was so sparingly applied, as little to affect the disease. It is yet a problem unsolved, whether the revolution would have been aided by a more liberal resort to taxes. As it was dangerous to attempt the enforcement of taxation, palliatives were necessarily resorted to. A loan of five millions was proposed, at an interest of four per cent.; the principal to be repaid in three years, and for the greater accommodation of lenders, a loan office was to be established in each State. No certificate of loan to be less than three hundred dollars. A hope was entertained, that the loan would fill immediately, and would diminish the bills in circulation; and that the certificates being of large amount, would not be adapted to ordinary use. A lottery of four classes was also suggested, by which it was proposed to raise one million and five hundred thousand dollars; to draw in a large sum of continental money by the sale of the tickets; to retain, with the consent of the successful adventurers, the small prizes in each class, for tickets in the succeeding one, and the large prizes on loan. These means were wholly inadequate to the proposed object.

The faith of the people, however, supported the paper currency in undiminished reputation, until near the close of the campaign of 1776. Early in 1777, the depreciation became considerable; but, it was, generally, mistaken for the rise of prices; and in the ignorance of political economy which prevailed, it was supposed, that such effect might be violently restrained. To this end, Congress declared, that, whoever, in any purchase, sale, or barter, whatever, should rate gold or silver coin, higher than the continental bills of credit, ought to be deemed an enemy to the liberties of the United States, and to forfeit the value of the subject, in which such difference was made. And by most, perhaps, by all of the States, the paper bills were made a tender in payment of debts. But, a more effective and wise measure was, at the same time, devised. The States were urged, respectively, to support the credit of the Union, by a direct engagement to redeem these bills at the times fixed by Congress, and, immediately, to impose such taxes as the people were in condition to pay. They were assured, that, for all moneys thus raised, each State should receive a credit, with the United States, in its quota of the public debt, that had been apportioned to them. At the same time, a further loan of two millions was voted. The recommendations of Congress were complied with. The situation of the south, in these circumstances, required additional measures for relief. That portion of the country had been supplied by British merchants and British capital. The colonial traders had credit with such merchants; and large balances were annually owing, and in the hands of the planters, who, generally, preserved a credit to the value of their crops. To compel the American merchant to receive his debts, in paper, whilst he was bound to pay, in specie, would have been highly unjust; and he was, therefore, authorized to pay those due from him, into the public treasury, and was assured, that he should be, thereby, discharged from the claims of his creditor.

But neither loans nor taxes could be obtained in sufficient sums to prevent recourse to new issues of bills, and with every issue their value continued to decrease. Congress, in 1779, made a second effort to limit the flood of paper. They required of the States, on the first of January, to pay into the continental treasury, their respective quotas of fifteen millions for the service

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of that year, and of six millions, annually, from and after the year 1779, as a fund for reducing their early emissions and loans; and on the 21st of May, they further required, within the current year, forty-five millions of dollars. Large as these requisitions nominally were, they were wholly insufficient. The depreciation increased so rapidly as to defy all calculation. Towards the close of 1777, it was two or three for one—in 1778, five or six for one—in 1779, twenty-eight for one—in 1780, sixty for one, in the first half of the year; and near its close, it fell to one hundred and fifty for one. In some few places it continued in circulation for the first four or five months of 1781; but, in this last period, many would not take it at any rate, whilst others received it at a depreciation of several hundred for one.

To still the clamour which prevailed against these excessive issues, Congress resolved, in October, 1779, that no further sum should be issued, on any account, than would increase the circulation to two hundred millions, and no greater part of the sum, wanting to that amount, than was indispensable for the public exigencies, until adequate supplies could be otherwise obtained, for which reliance was placed upon the States. But Congress could not maintain its resolution; and soon completed the sum they had fixed as the maximum. At length, their paper became absolutely worthless; and they were almost wholly deprived of pecuniary means. Yet an effort was made to revive the credit of their bills, by a new issue under State guarantees—the old to be called in by taxes, and burned; and one dollar in new, to be emitted for every twenty of the old. Of the ten millions thus to be substituted, four were to be subject to the orders of Congress, and the remainder to that of the several States—the whole to be redeemable in specie, within six years; to bear an interest at the rate of five per cent., to be paid, also, in specie, at the redemption of the bills, or at the election of the owner, annually, in bills of exchange, on the American commissioners in Europe. This plan was soon found impracticable, and public credit being at the lowest ebb, the army was well nigh dissolved, and the country opened in every direction, to British excursions.

The crisis was a trying one, but it was happily past. New resources were discovered, and the war carried on with vigour. Much specie was about this time (1781) introduced into the United States, by trade with the French and Spanish West Indies, and by means of the French army in Rhode Island. The King of France gave the United States a subsidy of six millions of livres, and became their security for ten millions more, borrowed by them in the Netherlands. A regular system of finance was introduced by Mr. Robert Morris, who was placed at its head, and whose individual credit was liberally and advantageously used. The Bank of North America was established, and thus Congress and the country were extricated from the most imminent peril. By the scale of depreciation, the war was carried on for almost five years, for little more than a million sterling, and two hundred millions of paper dollars, were made redeemable by five silver ones.

New Jersey seems to have used her right of making money, with great moderation, and that dread of debt, which has peculiarly characterized her. By the act of June 8th, 1779, she called in all the bills of credit issued during her colonial state; and directed, that all not presented before the first of January, 1780, should be irredeemable. The provincial conventions, before the constitution of the State, authorized the issue of sixty thousand pounds, and provided for its extinction by taxation. This debt was adopted by the State. Under the requisition of Congress, March, 1780, the State authorized the issue of two hundred and twenty-five thousand pounds, payable with interest in yearly instalments, and the whole within six years.

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But of this sum the whole was not emitted. On the 9th of January, 1781, a further emission of thirty thousand pounds was authorized, also, redeemable within six years. This sum was in small bills. And there were, probably, some other inconsiderable issues. But for the redemption of all, taxes were duly and timely laid. The State bills ceased to be a tender under the act of June 13th, 1781; and the continental bills, by an act of the 22d of the same month. The taxes were, during the depreciation, nominally enormous; and the amounts proposed to be raised at different times, strongly mark the course of depreciation. By a resolution of November, 1778, the Assembly proposed to raise one hundred thousand pounds, for the support of the government during the succeeding year; of which sum they proposed to pay to the governor one thousand pounds, and to Robert Morris, chief-justice, five hundred pounds, and the salaries of the other officers proportionately. And in November 20th, 1779, they resolved to raise *nine millions of dollars*, by the first of October following; and appropriated for the salary of the governor, seven thousand pounds, and for that of David Brearly, chief-justice, five thousand, and to the other officers proportionably.

During the war, there were large amounts of property belonging to the tories, confiscated; but they proved of little avail to the public treasury. The sales were generally made on credit, and by the progressive depreciation, what might have been dear at the time of purchase, became dog cheap at the time of payment.

The most extensive evils resulted from making the paper bills a tender in payment of debts contracted to be payable in gold and silver. They fell chiefly on those who lived upon fixed incomes, or possessed capitals, previously accumulated or invested. The annuitant, the widow, the heir, and the legatee, in receiving the nominal amount of their respective interests, did not, in many cases, receive a cent in the dollar. In a vast number of instances, the earnings of a long life of care and diligence, were wrested from their possessors. But the subject was not one of unmixed evil. It was generally useful to the poor; to those who hoarded not, but lived to-day upon the labour of yesterday or to-morrow. Whilst the paper money was current, none were idle from want of employment. Expending their money as fast as they received it, they always had its full value. No Agrarian law could have more effectually equalized the conditions of the State, than the tender of these depreciating bills. The poor became rich, the rich poor. All that the money lost in value was taken from the capitalists; but the active and industrious were safe, in conforming the price of their services to the state of the depreciation. The debtor who possessed property of any kind, could easily extinguish his debts. Every thing useful found a ready purchaser. The price of a bullock to-day would pay that of a slave purchased a few months before—that of a good horse, the value of an improved plantation.

The worst evil of the paper system was its demoralizing effect upon the community. The nature of obligations was so far changed, that the honest man, only, withheld the payment of his debts. A flood of speculation and fraud deluged the land, and found its way into its courts and its legislative halls, overwhelming truth, honour and justice.*

VIII. The summer of 1779 passed away, without furnishing, in America, any event which could have a material influence on the issue of the war. But it was otherwise in Europe, where a coalition, long looked for, and from which arose sanguine expectations, was effected. Spain resolved to unite with France, and to make, with her, common cause against Great Britain.

* Ramsay.

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These two powers, it was believed, would be able to obtain complete ascendency at sea, and their fleets to maintain their superiority on the American coast, as well as in Europe. Yet, the United States were not acknowledged by Spain, as sovereign and independent; nor was their minister, Mr. Jay, who had been, some time before, sent to the Spanish court, accredited.

IX. As the campaign drew towards a close, without realizing the hope which had been cherished, that the war would terminate with it, General Washington laboured to induce the civil authorities to prepare in season for the ensuing campaign, exhibiting the alarming fact, that between October, 1779, and the last of June, of the coming year, the terms of service of near one-half of the soldiers of the army would expire. But it was impossible to remove the obstacles to prompt and united action. They were inherent in the system of confederation, in the novelty and untried circumstances of the States, and in that selfishness which had succeeded the first glow of patriotic indignation. Thus, the resolutions of Congress, relating to the military establishment, were not passed until the 9th of February, 1780; and did not require the troops to rendezvous before the first of April. The necessary acts of the State Legislatures, to give effect to these resolutions, were slow and irregular, uncertain and unseasonable; and the army could not possess that consistency and stability, which a better system would have given.

X. The season for active operations, in a northern climate, having ceased, the army retired into winter quarters. It was divided into two divisions—the northern under the command of Major-general Heath, had for its principal object, the security of West Point, and the posts on the North river, as low as King's Ferry; subordinate to which, was the protection of the country on the Sound, and the Hudson towards King's Bridge. The other and principal division, under Washington, originally proposed to encamp on the heights in the rear of the Scotch Plains, New Jersey; but Morristown was subsequently chosen, near which, the army was disposed in huts, late in December. From this post detachments were thrown out, towards the North river and Staten Island, for the purpose of covering the country from the depredations of the enemy.

XI. During the year 1779, the marauding parties of tories from New York and Staten Island, and occasionally, some of the enemy's regular troops, made devastating excursions into the State; the former for the purpose of plundering and capturing the unarmed inhabitants, and the latter, under the cover of legitimate war, to do the office of brigands. The enormities thus inflicted, were greatly increased, by associates sheltering themselves in the deep pine forests of Monmouth county, who, scarce regarding the distinctions of whig and tory, preyed on all within their power. Of these freebooters, Fagan, Bourke alias Emmons, Stephen West, Ezekiel Williams, and one Fenton, were most noted. Fagan was hunted and killed by a party of militia, under Captain Benjamin Dennis, who soon after, (January) by the agency of one Vankirk, entrapped Bourke, West, and Williams, whilst setting off from Rock Pond, for New York, with their booty. A small party, which lay concealed, shot them as they approached their boats. Their bodies, with that of Fagan, were hung in chains. Fenton was soon after killed by stratagem.

Bergen county was particularly exposed to hostile inroads, and the malice of the tories. On the 10th of May, about an hundred of the latter approached, by the way of New Dock, the settlements of Closter, and carried off Cornelius Tallman, Samuel Demarest, Jacob Cole, and George Buskirk; killed Cornelius Demarest, wounded Hendrick Demarest, Jeremiah Westervelt, Dow Tallman, and others; burned the dwellings of Peter Demarest, Matthias Bogart, Cornelius Kuyler, Samuel Demarest, together with many

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out-houses of other persons. They attempted to consume every dwelling they entered, but the fire was, in some, extinguished. They wantonly destroyed the furniture and stock, and abused the women. They were so closely pursued in their retreat, by the militia and a few continental troops, that they carried off no cattle, although that was a principal object of the incursion. This party belonged to the provincial corps of Colonel Vanbuskirk, an active and violent tory partisan, and consisted of former residents of Closter and Tappan, and some negroes.

On the 17th of May, a detachment of one thousand men, under that commander in person, swept over the county, marking their course with desolation and slaughter. Not a house within their reach, belonging to a whig inhabitant, escaped. Mr. Abraham Allen, and Mr. George Campbell, were barbarously murdered; Mr. Joost Zabriskie was stabbed in fifteen places, and two negro women were shot down, whilst endeavouring to drive off their master's cattle. The party avoided the vengeance of the militia by a speedy retreat with their plunder.

On the 9th of June, a party of more than fifty tories, from New York, landed in Monmouth county, and reached Tinton Falls undiscovered. They surprised and carried off Colonel Hendrickson, Lieutenant-colonel Wikoff, Captains Shadwick and Mr. Knight, with several privates of the militia, and drove away a few sheep and horned cattle. They were assailed by about thirty militia, whom they repelled, with the loss of two killed and ten wounded.

About the first of August, the house of Mr. Thomas Farr, near Crosswicks Baptist Church, was attacked by several of the forest ruffians. The family consisted of himself, wife and daughter. The assailants broke into the dwelling, mortally wounded Mr. Farr, and slew his wife outright. The daughter escaped to the house of a neighbour; and the alarmed villains fled without plunder.

On the 18th of October, a party of the enemy's light dragoons landed at Sandy Point, above Amboy, and proceeding to Bound Brook, burned some stores; thence by Van Veighton's Bridge, where they destroyed a number of boats, they marched to Somerset Court-house, which they fired. On their return, by the way of Brunswick, to South Amboy, they were annoyed by the militia. Their colonel and commandant, had his horse killed under him, and was himself made prisoner.

XII. Among the evils most dreaded, from the depreciation of the continental currency, was the difficulty which must necessarily arise in subsisting the army. This calamity was more hastened than deferred, by the parsimony with which Congress withheld, from the public agents, the money necessary for public purposes. Contracts could not be made co-extensive with the public wants, and many formed, were not fulfilled. A modification of the commissary department, in January, 1780, unfortunately, produced new embarrassments, and, at length, the credit of the purveying agents was wholly destroyed. Gaunt famine invaded the American camp at Morristown; and the procurement of supplies, by forced levies, became indispensable.

The commander-in-chief required, from each county in the State of New Jersey, a quantity of meat and flour proportioned to its resources, to be forwarded to the army within six days. To mitigate the odium of this measure, he addressed a circular letter to the magistrates, stating the urgency of the wants of the army, but with assurances, that if voluntary relief could not be obtained, a resort to force would be inevitable. To the honour of the State, notwithstanding its exhaustion, the required supplies were instantly furnished. Nor is less honour due to the soldiery, for the patient and unrepining fortitude with which they bore their sufferings. In the Highlands, similar wants

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were relieved by similar measures, which were more than once necessary to both camps. Soon after, the energies which the French displayed in the war, awakened a corresponding disposition in Congress, and in several States, which, in a new system of finance, gave adequate relief; but not until more serious evils, as will appear in the progress of the narrative, had developed themselves.

XIII. The isolated position of New York, had been much relied upon by the British commander for its defence. But the barrier which the waters afforded, was entirely removed by the severity of the frost in the winter of 1779, 1780. The ice becoming of such thickness, as to permit the army, with its wagons and artillery, to pass without danger, invited the enterprise of the commander-in-chief. His judgment and love of fame, alike, prompted him to attempt the city; but, the numerical inferiority of his force, still more the feebleness of his troops from the want of food and raiment, were insuperable obstacles. He eagerly engaged, however, in such enterprises to distress the enemy, as were in his power, without departure from the cautious system which had proven so beneficial to his country. The British troops, on Staten Island, were computed at twelve hundred men. The bridge of ice, over the waters, offered him, seemingly, a fair opportunity to surprise and bear off this corps, particularly, as the communication between Staten, and Long, and York islands, was supposed impracticable.

The enterprise was confided to General Lord Stirling, with a force of two thousand five hundred men, united to a detachment under General Irvine. On the night of the 14th of January, 1780, he moved from Dehart's Point; and detaching Lieutenant-colonel Willet to Decker's house, where Buskirk's regiment of two hundred men was stationed, proceeded, himself, to the watering place, where the main body was posted. But the enemy, apprehensive of attack, was abundantly vigilant; and, contrary to the intelligence previously received, the communication between the island and New York was still open. The object of the expedition, therefore, was unattainable, unless at an unjustifiable risk, as a reinforcement from New York might endanger the American detachment. Lord Stirling retreated on the morning of the 17th, sustaining an inconsiderable loss by a charge of cavalry on his rear. The excessive cold continuing, the rivers were soon afterwards completely blocked up. Even arms of the sea were passable on the ice, and the islands, about the mouth of the Hudson, presented to the view, and in effect, an unbroken continent.

XIV. The want of power in Congress, to raise funds, and to enforce its decrees of every character, almost deprived it of the semblance of a national council. The articles of confederation had been slowly approved, and were totally inefficient to protect the many general interests which it embraced. The establishment of the army, for the ensuing campaign, was fixed at thirty-five thousand two hundred and eleven men, and the measures for recruiting it, which preceded, a few days, those for its support, partook of the State system, which was entirely predominant. No means were used for raising men under the authority of Congress; and the several States were required by draught, or otherwise, to bring into the field, by the first day of April, the numbers necessary to their respective quotas. This course gave, unhappily, to the American confederacy, the semblance, nay, substantially, the character of an alliance of independent nations, whose embassadors assembled in general Congress, to recommend to their respective sovereigns, a plan of operations which each might pursue at pleasure. The measures productive of great uncertainty and delay, were reprobated by the commander-in-chief in vain, and he was doomed to struggle with embarrassments, of which he had never ceased to complain.

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Famine was not the only great evil which beset the military service in 1780. Others, of a serious nature, presented themselves. The pay of an officer was reduced, by the depreciation of money, to a pittance wholly incompetent to his wants. That of a major-general would not compensate an express rider; nor that of the captain, furnish the shoes in which he marched. Generally, without fortune, the officers had expended the little they possessed, in the first equipments for their station; and were, now, compelled to rely on the States, to which they respectively belonged, for such clothing as they might furnish; which was so insufficient and unequal, as to produce extreme dissatisfaction, and great reluctance to remain in service.

XV. Among the privates there grew out of the very composition of the army, causes of disgust, which increased the dissatisfaction flowing from their multiplied wants. The first effort, towards the end of the campaign of 1776, to enlist troops for the war, had, in some degree, succeeded. In some States, especially in Pennsylvania, many recruits had, for small bounties, thus engaged. Whilst they served without pay, and almost without the necessaries of life, they had the mortification to behold their vacant ranks filled by men, who enlisted for a few months, only, and, for that short service, received high bounties, which, in depreciated money, seemed immense. In their chagrin, many were induced to contest their engagements, and others to desert. A representation of these circumstances, to Congress, produced a committee of inquiry, who reported, "that the army was unpaid for five months; that it seldom had more than six days' provisions in advance; and was, on several occasions, for sundry successive days, without meat; that it was destitute of forage; that the medical department had neither sugar, tea, chocolate, wine, or spirituous liquors of any kind; that every department was without money, and had not even the shadow of credit left; and that, the patience of the soldiers, borne down by the pressure of complicated sufferings, was on the point of being exhausted." In the mean time, Congress resolved, that they would make good to the line, and independent corps of the army, the depreciation of their pay, by which all the troops should be placed on an equal footing. But this benefit, dictated by simple justice, was limited to those in actual service, and to those who, after, came into it, engaging for three years, or the war.

These resolutions mitigated, but did not cure the prevailing griefs. A long course of suffering had produced some relaxation of discipline, and the discontents of the soldiery, at length, broke forth into actual mutiny.

On the 25th of May, two regiments from Connecticut, paraded under arms, with a declared resolution to return home, or to obtain subsistence at the point of the bayonet. The soldiers of other regiments, though not actually uniting with the mutineers, showed no disposition to suppress the mutiny. By great exertions of the officers, and the appearance of a neighbouring brigade of Pennsylvanians, then commanded by Colonel Stuart, the leaders were secured, and the troops brought back to their duty. But the temper of the soldiers, as apparent in their replies to the remonstrances of their officers, was of an alarming nature. They turned a deaf ear to the promises of Congress, and demanded some present, substantial, recompense for their services. A paper was found in the brigade, supposed from New York, stimulating the troops to abandon the cause of their country.

XVI. The discontents of the army, and the complaints of the people of New Jersey, on account of the repeated requisitions upon them, had been communicated, with such exaggerations, to the general, commanding in New York, as to induce the belief, that the American soldiers were ready to desert their standards, and the people of New Jersey to change their government. To avail himself of these dispositions, Knyphausen crossed over, on the sixth of

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June, with about five thousand men, from Staten Island, and landed in the night at Elizabethtown Point. Early next morning he marched towards Springfield, by the way of Connecticut Farms, but soon perceived, that the temper of the country and army, had been misapprehended.

Washington had taken measures, in concert with the government of New Jersey, to call out the militia, so soon as occasion should require; and, on the appearance of the invading army, they assembled with great alacrity. On their march to Connecticut Farms, distant five or six miles from Elizabethtown, the British were harassed by small parties of continental troops, whose numbers were augmented, every instant, by the neighbouring militia. This resistance manifested, too clearly to be misunderstood, the resolution and temper to be encountered in the further progress of the expedition. A halt was made at the Connecticut Farms, where a spirit of revenge, more probably dwelling in the bosom of Governor Tryon, who was present, than in that of Knyphausen, who commanded, directed this village, with its church and parsonage, to be reduced to ashes. Another enormity was committed, at the same place, which aroused great indignation, not only in the vicinage, but every where throughout the Union. Mrs. Caldwell, the wife of the clergyman, had remained in her house, under the conviction, that her presence would protect it from pillage; and, that her person would not be endangered, as in the hope of preserving the Farms, Colonel Dayton, then commanding the militia, had determined not to halt in the settlement, but to take post, at a narrow pass, on the road leading to Springfield. Whilst sitting in the midst of her children, having a sucking infant in her arms, a soldier came to the window, and discharged his musket at her. She received the ball in her bosom and instantly expired. Ashamed of an act so universally execrated, the British contended, that the lady was the victim of a random shot from the militia. Circumstances, however, too strongly negatived this assertion, and a pathetic representation of the fact, published by the afflicted husband, received universal credit. The husband was distinguished for zeal to the American cause, and his fate was very like that of his wife. He was, some months after her decease, also shot to death, by a drunken tory, or British soldier, at Elizabethtown Point.

From the Farms, Knyphausen proceeded towards Springfield. The Jersey brigade, under General Maxwell, and the militia of the neighbourhood, who assembled in great force, took an advantageous position at that place, with the resolution to defend it. Knyphausen halted, and remained on the ground all night; but made no effort to dislodge the Americans. Washington having intelligence of this movement, marched his army early in the morning that Knyphausen left Elizabethtown Point, and advanced to the Short Hills, in the rear of Springfield. An impending battle was avoided by the German commander, who, hopeless of success, retired to the Point from which he had marched. He was followed by a detachment, which attacked his out-posts, supposing it had to contend with the rear of his army only; but on discovery, that the main body was still at the Point, the pursuers were recalled.

XVII. At this period, the numerical force of the American army, was fifty-five hundred and fifty-eight continental troops, of whom, only three thousand were effective. By return of Sir Henry Clinton, from his southern conquests, the British regular force, in New York, and its dependencies, was increased to full twelve thousand, which could be employed in the field, whilst four thousand militia and refugees performed garrison duty. With this disparity of numbers, the British commander might well hope to gather important fruits from again invading New Jersey, particularly, by penetrating to the American stores near Morristown. After masking his purpose, and dividing the small force of his adversary, by demonstrations against West

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Point, he marched, on the morning of the 23d of June, from Elizabethtown, with five thousand infantry, a large body of cavalry, and from ten to twenty field pieces, towards Springfield.

In anticipation of this enterprise, General Greene had remained at Springfield, with two brigades of continental troops, and the Jersey militia: but in apprehension for the posts in the Highlands, the greater part of the army had been directed, slowly, towards Pompton. On observing the force which had entered the State, Washington halted and detached a brigade to ha[illegible] its right flank, whilst he prepared himself to support Greene, or otherwise to counteract the designs of the enemy.

At Springfield, Major Lee was advanced on the Vauxhall road, taken by the British right column; and Colonel Dayton, on the direct road, pursued by the left. As the enemy approached the town, a cannonade commenced, between their van and the American artillery, which had been posted to defend a bridge over the Rahway, guarded by Colonel Angel, with less than two hundred men. Colonel Shreve, with his regiment, occupied a second bridge, in order to cover the retreat of Angel. Major Lee, with his dragoons, and the piquets under Captain Walker, supported by Colonel Ogden, defended a bridge on the Vauxhall road. The residue of the continental troops, were drawn up on high ground, in the rear of the town, with the militia on the flanks.

The right column of the British, advanced on Lee, who resisted their passage until a body of the enemy had forded the river above him, when he withdrew his corps to avoid being surrounded. At this instant, their left attacked Angel, who maintained his ground with persevering gallantry, until compelled, after thirty minutes struggle, to yield to superior numbers; but he retired in perfect order, and brought off his wounded. Shreve, after covering Angel's retreat, rejoined his brigade. The English then took possession of the town and reduced it to ashes. The stern resistance he had encountered, the gallantry and discipline of the continental troops, their firm countenance displayed in continual skirmishing, and the strength of Greene's position, together with tidings, that a formidable fleet and army was daily expected from France, deterred Sir Henry from prosecuting his original design. He withdrew that afternoon from Elizabethtown; and in the same night passed over to Staten Island. In this battle the Jersey brigade and militia, bore a conspicuous and honourable part.

XVIII. There is, perhaps, no event connected with the American revolution, of more extraordinary character, than the devotion displayed towards it, by the Marquis de La Fayette. Of high aristocratic descent, rich, and with every prospect of flattering consideration, at the court of his king, he became enamoured of the principles of freedom and equality, in a distant and a foreign land; and against the remonstrances of his friends, and the disapprobation of his prince, devoted his life and fortune to their support. At the close of 1776, he communicated to the American commissioners, at Paris, his determination to repair to the United States. The encouragement which they gave to his wishes was retracted, when the reverses in New Jersey were known. But his enthusiasm was not to be thus extinguished; and he replied, that these circumstances rendered even inconsiderable aids more necessary; and that if they could not furnish him with a ship, he would freight one himself, to convey him and their despatches. This he did. At the age of nineteen years, newly wedded to a wife whom he loved, and tempted by the pleasures of a luxurious court, he voluntarily rejected the ready enjoyments of his condition, and sailed to America. He was received with such sentiments as his disinterestedness merited. But, instead of using this grateful disposition, to obtain extraordinary distinction, in the rendition

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of his services, as was generally the case with foreigners, who then sought employment in America, he, modestly and generously, declined a commission, and requested leave to serve as a volunteer. Nor were the virtues of this extraordinary man, thus displayed, the temporary fruits of momentary and youthful excitement. His love of freedom and political equality, and his disinterested pursuit of them, have rendered illustrious a long life; and it would seem, that with him, at least, the exercise of virtuous passions had the power to [illegible] increase of days. He became the friend of Washington. And if a nation's gratitude be the appropriate meed for national services, La Fayette has been rewarded, by his triumphal procession, of months, through the North American continent.

When war was declared between France and England, La Fayette deemed, that his duty required him to tender his services to his own sovereign. He obtained the permission of Congress, to return, preserving his rank of major-general, in the American army, and all his zeal for American interests. He was received at court with favour and distinction, and successfully employed his influence, in persuading the cabinet to grant efficient succours to the United States. There being no probability of active employment in Europe, he returned to America, in April, 1780; bearing the grateful intelligence, that France would immediately despatch a considerable land and naval armament, for the ensuing campaign.

XIX. These tidings gave, indeed, a new impulse to Congress, the State Legislatures, and the people. The first adopted vigorous resolutions for raising money and troops, which were transferred into the laws of the several States. But, unfortunately, the energy displayed in the enactment, did not extend to the execution of the laws; the troops being slowly raised, and in numbers far less than the service required. Several patriotic individuals contributed largely to the public funds. The citizens of Philadelphia established a bank, subscribing £315,000, Pennsylvania currency, payable in specie; principally, with a view to provide the army with provisions, and without contemplation of profit to the founders. The ladies of that city set a splendid example of patriotism, devoting large sums for the relief of suffering soldiers, which was, generally, followed throughout the country.* Yet, despite of all these exertions, the condition of the army continued deplorable.

XX. On the 10th of July, before Washington could fill his ranks, or had prepared any plan for the campaign, the first division of the French auxiliaries arrived at Newport, with more than five thousand troops, and intelligence, that a second division might be speedily expected. The instructions of General Rochambeau, placed him, entirely, under the command of Washington, and required his forces, as allies, to cede the post of honour to the Americans. In reliance on the French naval superiority, Washington proposed a joint attack on New York; fixing the 5th of August, for the reembarkation of the French troops, and the assembling of his army at Morrisania. But this design was procrastinated and finally defeated, by the successive arrival of British squadrons, which gave them the command of the sea, and confined the French to the harbour. In its prosecution, however, the commander-in-chief visited Hartford, that by personal conference with the French officers, he might concert measures for this and other objects.

During his absence from camp, the long meditated treason of General Arnold exploded, destroying, however, only, the most active auxiliary of his

* On the 4th of July, the ladies of Trenton appointed Mrs. Cox, Mrs. Dickenson, Mrs. Forman, and Miss Cadwalader, to open a subscription, and to correspond with the ladies in the different counties of the State, whom they named on committees.

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guilt; whose merit caused him to be wept, even by his enemies. General Arnold possessed great courage, enterprise, patience, and fortitude, with other qualities essential to the able soldier. But without moral principle, or sound judgment, he estimated greatness to consist in ostentatious display, and the liberal indulgence of the senses. Previous to the revolution his poverty denied these enjoyments. His sudden elevation, whilst stimulating his appetites, gave him, justly or unjustly, the means for their gratification. A short period of success filled him with that disposition, which leads inevitably to ruin. He became prodigal of his own, and avaricious of the property of others. The wounds he received at Quebec and Saratoga, unfitted him for active service; and having large accounts to settle with Congress, he was, on the evacuation of Philadelphia in 1778, appointed to the command of that city. Here, yielding to his vain propensities, he incurred large expenses, for a sumptuous table and splendid equipage. To sustain these, with the spirit of the gambler, he embarked in perilous and unfortunate commercial speculations, and in unsuccessful privateer adventures. His accounts with the United States were intricate, and the enormous balances he claimed, were reduced, not only by a committee of Congress, but by the House, on the report of its committee. Charged with various acts of extortion upon the citizens, and peculation in the funds, detected and degraded, he reproached his country with ingratitude, and giving general offence, was arrested, tried, and sentenced by a court martial, and publicly reprimanded by the commander-in-chief.

From this hour, his haughty spirit is supposed to have devoted his country to the direst vengeance. Knowing well the importance of the post at West Point, he deliberately and successfully sought its command, with the view of betraying it to the enemy. To this end, a correspondence was for some time carried on, under mercantile disguise, in the names of Gustavus and Anderson, between him and Major John André, aid-de-camp of Sir Henry Clinton, and adjutant-general of the British army. To facilitate their communication, the Vulture, sloop of war, took a station on the North river; and the visit of General Washington, at Hartford, was improved, for adjusting their plans by a personal interview. André landed from the sloop, without the American lines, under a flag sent by Arnold. Their conference having been protracted, into the succeeding day, it became necessary that André should be concealed, until the night afforded him a safe opportunity to re-embark. He refused, peremptorily, to enter within the lines, but the respect promised to this objection, was not preserved. They continued together during the day, in which the Vulture shifted her position, in consequence of a gun having, without the knowledge of Arnold, been brought to bear upon her. The boatmen, on the following night, refusing to carry André on board, he attempted to reach New York, by land. Reluctantly yielding to the representations of Arnold, he exchanged his uniform, which he had hitherto worn beneath his surtout, for plain clothes, and set forth with a permit, authorizing him, under the name of John Anderson, to proceed on the public service to the White Plains, or lower, if he thought proper.

He had safely passed the posts, when he was arrested by one of three militiamen, on a scouting party. With a self-abandonment, extraordinary in one equally brave and intelligent, instead of producing his pass, he hastily asked the soldier, who had seized his bridle, "where he belonged to?" The reply, "to below," designating him to be from New York, André said, "And so am I;"—and declaring himself to be a British officer, on urgent business, begged that he might not be detained. The other militiamen coming up, he discovered his mistake too late to repair it. His most tempting offers for permission to escape, were rejected by his captors, who, on searching him,

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found concealed, in his boots, among other interesting papers, exact returns, in the hand-writing of Arnold, of the state of West Point, and its dependencies. Carried before Colonel Jameson, who commanded the scouts on the lines, he, anxious for the safety of Arnold, requested, that he should be informed, that Anderson was taken. An express was despatched with the communication. On receiving it, Arnold took refuge on board the Vulture, whence he proceeded to New York. Sufficient time being allowed for his escape, André no longer affected concealment, but avowed himself the adjutant-general of the British army.

This gallant and unfortunate man suffered the penalty which would have more justly fallen upon the fugitive traitor. He was condemned as a spy, by a court-martial, of which General Greene was president, and La Fayette, Steuben, and others, were members. And notwithstanding the earnest endeavours of Sir Henry Clinton, to save him, and the tears even of his judges, the sentence, sternly exacted by duty, was executed. Arnold became a brigadier in the British service, universally contemned as a vile and sordid traitor, who had been redeemed from the gallows, by the blood of one of the most accomplished officers of the British army.

The thanks of Congress were given, with a silver medal, bearing an inscription, expressive of their fidelity, to John Paulding, David Williams, and Isaac Vanvert; and subsequently, a pension of two hundred dollars per annum—a reward, better proportioned to the state of the treasury, than their services—was settled upon them, respectively.

XXII. Early in December, 1780, the American army retired to winter quarters. The Pennsylvania line was stationed near Morristown, the Jersey line about Pompton, on the confines of New York, and the troops of the New England States, at and near West Point, on both sides of the river. The line of New York remained at Albany, to which place it had been sent to aid in opposing a temporary invasion from Canada.

XXIII. In Europe, Great Britain, at war with France and Spain, was threatened by the northern powers, Russia, Sweden, and Norway, who, in the summer of 1780, entered into the celebrated compact known as "*The armed neutrality.*" Holland showed a disposition not only to join this alliance, but to enter into a treaty with the United States of America. Both were offences which the English ministers were not disposed to overlook, and war was declared against that nation.

XXIV. The state of the American army was little improved during the year 1780. Discontent gained ground, and even the officers could not always restrain their repinings, in contrasting their condition with that of other classes in the country. These had, inevitably, an influence upon the disposition of the soldier. In addition to the general causes of dissatisfaction, the Pennsylvania line had one, almost, peculiar to itself. When Congress directed enlistments to be made for "*three years or during the war,*" the recruiting officers of that line engaged many men on those ambiguous terms. As a consequence, the soldier claimed his discharge, at the expiration of three years; whilst the officer insisted, upon detaining him during the war. The imposition, as the soldier viewed it, was more impatiently borne, whilst he witnessed the large bounties given to the new recruits. The discontent which had been long fomenting, broke out on the night of the first of January, 1781, in open and almost universal revolt of this line.

Upon a signal given, all the regiments, except three, turned out under arms; avowing their determination to march to the seat of Congress, and obtain redress for their grievances, or to serve no longer. The officers endeavoured, in vain, to quell them. Several were wounded, and a Captain Billing killed, in the attempt. General Wayne presented his pistols, as if

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about to fire; but the bayonet was put to his breast, whilst, with expressions of respect and affection, he was told, "If you fire, you are a dead man. We are not going to the enemy; should he approach, we will fight him under your orders. But we will be no longer amused, and are resolved to obtain our just rights." In this temper, thirteen hundred men marched from Morristown to Princeton, with their arms and six pieces of cannon, in good order, with officers appointed from themselves, a sergeant-major, who had deserted from the British, being commander. They resisted attempts at accommodation, made, severally, by General Wayne and a committee of Congress. But, at length, at the instance of President Reed of Pennsylvania, they marched to Trenton, and submitted, on condition,—1. That those enlisted for "*three years or during the war*," should be discharged; such enlistment to be determined by commissioners mutually chosen, on the oath of the soldier, where the written contract could not be found; 2. That certificates for the depreciation of their pay should be immediately given, the arrearages to be paid as soon as circumstances would permit; 3. That certain specified articles of clothing, greatly needed, should be immediately furnished. In consequence of the irksomeness of this affair, the whole of the artillery, and of the five first regiments of infantry, were discharged before the contracts of enlistment could be brought from Morristown. On their production, it appeared, that the engagements of the remaining regiments did not entitle them to their discharge, and that, of those actually dismissed, the far greater number had enlisted for the war. The discharges, however, were not revoked, and those who were to remain in service, received furloughs for forty days, with orders to rendezvous at designated places in Pennsylvania.

Sir Henry Clinton, apprized of the revolt, on the third of January, sent his emissaries, with highly tempting offers, to the line, to engage them in his service. The offers were communicated to General Wayne, the agents seized and confined, and after the accommodation, they were tried and executed as spies.

General Washington, who, for prudential reasons, did not approach the mutineers, took measures to avail himself of the regular troops, and the militia of New York, for offence or defence. And, on the first notice of the mutiny, the militia of New Jersey, under General Dickenson, took the field, for the purpose of opposing any incursion which might be made in the State, and of co-operating with such of the regular troops as it might be necessary to employ.

The danger of yielding, even to the just demands of soldiers, with arms in their hands, was soon evident. The success of the Pennsylvania line stimulated part of that of Jersey, many of whom were foreigners, in the hope of like advantages, to a similar attempt. On the night of the 20th of January, part of the Jersey brigade, stationed at Pompton, rose in arms, and making the same claims which had been granted to the Pennsylvanians, marched to Chatham, where another portion of the brigade was posted, in expectation, that it would join in the revolt. But, the commander-in-chief, chagrined at the result of the late mutiny, and confident in the faith of the eastern troops, resolved on strong measures to stop the further progress of a spirit which threatened the total destruction of the army. A detachment, under General Howe, was immediately sent against the mutineers, with orders to bring them to unconditional submission, and to execute some of the most active of the leaders. Howe marched from Kingwood about midnight, and by the dawning of the next day, had so posted his force as to prevent the escape of the revolters. Colonel Barber, of the Jersey line, commanded them to parade without arms, and to march to designated ground. Upon their hesitation, Colonel Sprout advanced, giving them five minutes, only, for com-

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pliance. Intimidated, they instantly obeyed. The Jersey officers gave a list of the leaders of the revolt, from whom three of the most active were selected, who were executed upon the spot, by the other prominent mutineers. The vast disparity of numbers engaged in these mutinies, accounts for the difference in the results. The disaffected in the Jersey line did not exceed one hundred and sixty men.

Sir Henry Clinton offered to the Jersey mutineers the same terms as to the Pennsylvania line; and General Robertson, at the head of three thousand men, was detached to Staten Island, for the purpose of entering Jersey, and covering any movement which they might make towards New York. The emissary employed, proved to be in the American interest, and delivered his papers to Colonel Dayton, commanding at the first station to which he came. Other papers were dispersed among the mutineers, promising rewards to every soldier who should join the British troops when landed at Elizabethtown; but the mutiny was crushed so suddenly, as to allow no time for the operation of these proposals.

The vigorous steps now taken, were, happily, followed by such attention, on the part of the States, to the wants of the army, as checked the further progress of discontent. Although the army was reduced to almost insupportable distress, by the scantiness of supplies, the discontents of the people were daily multiplied, by enforced contributions, and the offensive manner in which they were levied. Every article for public use, was obtained by impressment, and the taxes, being chiefly specific, were either unpaid or collected by coercion. Strong representations were made against this system, and committees were, in some places, raised to express the public complaints. The dissatisfaction, therefore, which pervaded the mass of the community, was scarcely less dangerous, than that which had been manifested by the army.

XXV. The year 1781 commenced in gloom and despondency. The hopes founded on French aid had been disappointed; the sufferings of the army were unalleviated, and the prospect of its increase, discouraging. Of thirty-seven thousand troops, voted by Congress, to be in camp on the first of January, not more than fourteen thousand, two-thirds of whom, only, were effective, had been raised, in all the Union, in June, when the campaign opened. Food and raiment were still scantily supplied; the latter, contracted for in France, having been unaccountably delayed. In the mean time, the country was threatened from every quarter,—in the west, by new combinations of the Indians—in the north, from Canada, and the discontented residents of Vermont, whose contention for jurisdiction, with the State of New York, made them cold in the common cause—on the eastern border, by the increased force of Sir Henry Clinton—on the south, by Rawdon and Cornwallis. To supply the American army with food, would, perhaps, have been impossible, but for the efforts of the financier, Mr. Robert Morris; whose mercantile capital and credit were, judiciously, called to aid his official duties, without which, the decisive operations of the campaign, might have been defeated.

XXVI. Washington still cherished the design of attacking New York, and the French troops were ordered from Newport, late in June, for this purpose, The intention was abandoned, however, in August, in consequence of large reinforcements having been received, from Germany, by Clinton, the tardiness with which the American ranks were filled, and the prospect of striking a successful blow in the south. A large fleet, commanded by the Count de Grasse, was expected, daily, to arrive in the Chesapeake, affording, if conjoined in operation with the army, the most flattering hopes of the capture of Cornwallis.

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The appearance of an attack on New York, was still kept up, whilst the allied army crossed the North river, and passed, by way of Philadelphia, to Yorktown. This march would, probably, have been interrupted, had not Sir Henry Clinton, relying, confidently, on some intercepted letters, developing the plan of the intended attempt on New York, believed the present movement to be a feint, until it was too far completed to be opposed. The order observed by the French troops, has, with great reason, called forth the plaudits of the historian. In a march of five hundred miles, through a country abounding in fruit, not a peach nor an apple was taken without leave. General Washington and Count Rochambeau, reached Williamsburg on the 14th of September; and visiting Count de Grasse, on board his ship, the *Ville de Paris*, concerted the plan of future operations.

De Grasse arrived in the Chesapeake, from Cape Francoise, late in August, with twenty-eight sail of the line, and several frigates. At Cape Henry, an officer from La Fayette informed him of the situation of the armies in Virginia. Lord Cornwallis, who had received notice that a French fleet was to be expected on the coast, had collected his whole force at Yorktown and Gloucester Point; and the Marquis had taken a position on James River, for the purpose of opposing any attempt, which the British might make, to escape into South Carolina. Four ships of the line and several frigates, were detached for the purpose of blocking up the mouth of York River, and of conveying the French land forces, under the Marquis of St. Simon, up the James River, to form a junction with La Fayette. In the mean time, the fleet lay at anchor just within the capes. On the 25th of August, the Count de Barras sailed from Newport for the Chesapeake.

Admiral Rodney, who commanded in the West Indies, supposing that the greater part of the fleet of De Grasse, had proceeded to Europe, and that a part, only, of his own squadron, would suffice to maintain an equality of force in the American seas, detached Sir Samuel Hood to the continent, with fourteen sail of the line. That officer made land south of the capes of Virginia, a few days before De Grasse's arrival, and proceeded, thence, to Sandy Hook, which he reached on the 28th of August. Uniting with the force under Admiral Greaves, who, as senior officer, took the command, the whole fleet, amounting to nineteen sail of the line, set sail, immediately, in hopes of falling in with De Barras or De Grasse, wholly unsuspicious of the force of the latter. On the morning of the fifth of September, the fleet of De Grasse was discovered, consisting of twenty-four sail of the line, in the mouth of the Chesapeake. An engagement ensued, for several hours, in which neither party could claim the victory. Some days were spent in manœuvres, during which De Grasse, having the wind, might have brought on another battle; but it was declined, that the capture of the British army, now deemed almost certain, might not be put to hazard. In the mean time, De Barras arrived with his squadron, and fourteen transports laden with artillery and stores, proper to carry on the siege. The English fleet retired before this superior force, and returned to New York.

At length, the post of Lord Cornwallis was formally besieged, and the first parallel commenced, on the night of the sixth of October. The siege was prosecuted with great vigour, courage, and skill; the officers and soldiers of France and America, striving who should display most, these qualities. The defence was maintained, with equal spirit, against a vastly superior force, during thirteen days; until almost every gun on the fortifications was dismounted, and the batteries prostrated. On the nineteenth, Lord Cornwallis surrendered the posts of Yorktown and Gloucester Point, with their garrisons, and the shipping in the harbour with the seamen; the army and arms, military chest and stores, to Washington; the ships and seamen to the Count

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de Grasse. The total amount of prisoners, exclusive of seamen, exceeded seven thousand men. The allied army may be estimated at sixteen thousand; the French at seven thousand; the continental troops at five thousand five hundred, and the militia at three thousand five hundred. Sir Henry Clinton, fully apprized of the influence which the fate of the army, in Virginia, must have on the war, exerted himself, strenuously, for its preservation; and having embarked about seven thousand of his best troops, sailed for the Chesapeake, under convoy of twenty-five sail of the line. This armament left the Hook on the day the capitulation was signed at Yorktown, and appeared off the capes of Virginia, to learn the tidings of surrender, and to return to New York; no sufficient motive remaining for attacking the greatly superior force of De Grasse.

The exultation throughout the United States, at the capture of this formidable army, which had inflicted incalculable misery over an immense space of territory, was equal to the terror which it had inspired. The opinion became universal, that the great struggle was over, that the object of the contest had been fully gained, and every demonstration of gratitude was poured forth by Congress and the people, to heaven, and its agents in their deliverance.

XXVII. Whilst the allied armies were on march for Virginia, Sir Henry Clinton, probably, with the hope of recalling Washington, sent an expedition under Arnold, against New London, which landed in the port on the 6th of September. Fort Griswold, on one side of the harbour, made an obstinate resistance. It was garrisoned by Colonel Ledyard, and one hundred and sixty men. But being taken by storm, the captors disgraced their triumph, by the slaughter of the brave and unresisting defenders. Colonel Ledyard presented his sword to the commanding officer of the assailants which the barbarian instantly plunged into his bosom, and the carnage was kept up, until the greater part of the garrison was killed or wounded. If such vengeance could be justified, there was, indeed, cause for it. Colonel Eyre, and Major Montgomery, the second in command, together with two hundred men, fell in the assault. The town of New London, and the stores which it contained, were consumed by fire.

XXVIII. The capture of Cornwallis was the conclusion of the war. A show of hostility was preserved for a few months, and some skirmishing was had, of no great interest, between the parties, near New York, and in the vicinity of Charleston. But no military event of importance, afterwards took place. Count de Grasse sailed for the West Indies, Wayne and Gest's brigades marched under General St. Clair, to the aid of Greene in the south; the French troops remained in Virginia, and the eastern regiments returned to New Jersey and New York, under the immediate command of General Lincoln.

Stimulated by these successes, the preparations for another campaign were commenced, with much alacrity. The resolutions respecting the military establishment, were adopted by Congress, so early as the 10th of December; and those providing for the expenses of the war, substituting a vigorous system of taxation, for the demoralizing and unjust practice of extortion, and requiring eight millions of dollars, in specie, to be paid by the States, quarterly, were passed so early as the 10th of October. But the country was exhausted. The obstacles to raising revenue, were almost insuperable. At the commencement of the year 1782, not a dollar remained in the public treasury; and although the payment of two millions had been required by the first of April, on the twenty-third of that month, not a cent had been received. On the first of June, twenty thousand dollars, scarce more than sufficient for a single day's service, had been paid. In July, when a

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half years' tax was due, the minister of finance was informed by his agents, that in some States, nothing would be received before the month of December. The country was, therefore, indebted for indispensable supplies, to the funds and credit of the financier; but the public creditors were unpaid, and no one could look forward, without deep anxiety, to the perpetuation of the system of forced contribution.

Happily for the United States, the people of Great Britain had wearied of the contest, and constrained their King, and his ministers, to think of peace. Strong resolutions were adopted by Parliament late in February, which not being promptly acted upon by the ministry, were followed on the 4th of March, by a vote of the House of Commons, denouncing as enemies to his Majesty and the country, all who should advise or attempt, a further prosecution of offensive war on the continent of North America. A change of ministry succeeded these votes, with instructions to the commanding officers in America, which conformed to them.

XXIX. Although the spirit of animosity between the two nations, Great Britain and the United States of America, began to yield to policy and humanity, the ire which dwelt in the bosoms of the tories, seemed to wax stronger, as their hopes of restitution waned. In the depredations of Arnold, and in the border war of New Jersey, the injuries done by them, were the most malignant; and their vengeance was still poured out upon New Jersey. From many outrages, we select the following, as most prominent.

On the 2d of April, 1782, Captain Joshua Huddy was captured, with the block-house he defended, on Tom's river, by a party of refugees, after a gallant resistance. He was carried to New York, and detained in close confinement for some days, and then told, that he was to be hanged. Four days after (on the 12th,) he was carried by a party of tories to Middletown Heights, where he was deliberately executed, with the following label affixed to his breast.—"We, the refugees, having long, with grief, beheld the cruel murders of our brethren, and finding nothing but such measures daily carrying into execution;—we, therefore, determine not to suffer without taking vengeance for the numerous cruelties; and thus begin, having made use of Captain Huddy, as the first object to present to your view; and further determine, to hang man for man, while there is a refugee existing. Up goes Huddy, for Philip White."

The Philip White here named, was a tory, who had been taken by a party of Jersey militia, and killed, in attempting to escape. His death was, falsely, charged upon this victim. Huddy was a man of extraordinary bravery, and met his hard fate, with rare fortitude and composure of mind. He executed his will, under the gallows, upon the head of the barrel, from which he was immediately to make his exit—and in a hand-writing, fairer than usual. Greatly indignant at this wanton murder, Washington wrote to Sir Henry Clinton, threatening, that unless the murderers were surrendered, he would retaliate. The demand being refused, Captain Asgill was designated by lot, as the subject. In the mean time the British instituted a court-martial, for the trial of Captain Lippincott, the principal agent in the nefarious deed; when it appeared, that Governor Franklin, president of the board of associated loyalists, had given verbal orders to Lippincott, designating Huddy as a proper object for vengeance, as one who had persecuted the loyalists, and had been especially instrumental in hanging Stephen Edwards, a refugee. The court acquitted Lippincott, stating, that his conduct was dictated by the conviction, that duty required him to obey the orders of the board, as he did not doubt their authority. Sir Guy Carleton, who had succeeded to the chief command of the British army, notwithstanding the acquittal, reprobated the measure, gave assurance of further

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inquiry, and broke up the board of associated loyalists, to prevent the repetition of such excesses. Asgill was rescued from various reasons. The end of the war rapidly and visibly approached—the Count de Vergennes interceded for him, by letter, enclosing one from Mrs. Asgill, his mother, and Congress (November 7th,) directed the commander-in-chief, to his great satisfaction, to set the captain at liberty.

XXX. Sir Guy Carleton, with Admiral Digby, was commissioned to negotiate a separate peace with the Americans; but their efforts were futile, as such a course, being dishonourable to the States, was inadmissible. Nor was it apparent, that the powers of the commissioners were sufficiently full for the object. But the public votes we have stated, and, probably, the private instructions given to the British general, restrained him from offensive war; and the state of the American army, disabled Washington from any attempt on posts held by the enemy. These causes of inactivity in the north, extended also to the south.

After an intricate negotiation, in which the penetration, judgment, and firmness of the American commissioners* were eminently displayed, eventual and preliminary articles of peace were signed on the 30th of November. The treaty, however, did not take effect, until the general pacification, on the 20th of January, 1783. Tidings of the latter event were communicated by M. de La Fayette, by letter, received 24th of March. Early in April, came a copy of the treaty, from the American commissioners, and on the 19th of that month, the cessation of hostilities was proclaimed. On the 15th, the execution of the treaty was publicly celebrated, at Trenton.

XXXI. To the restoration of the blessings of peace, one important measure, the dissolution of the army, was indispensable. Military habits, and the spirit of segregation which they engender, are incompatible with the order and equality of civil life. The general and corporal are alike tenacious of command; and the soldier, reluctantly, lays aside the casque, the uniform and arms, the idleness and the license, which distinguish him from the citizen. The camp becomes his country—his fellows in arms, his only compatriots, and the articles of war, and the will of his officers, his only laws. His whole being is newly, but not beneficially, modified. His intellectual powers and employments are confined to narrow limits, whilst his physical force and sensual appetites, are generally increased, and often indulged, by irregular gratification. To dissolve an army which has no cause of complaint against the State, is often a difficult and dangerous duty—to disarm men, to whom the State, without the means of payment, is deeply indebted; who, poor and naked, look, confidently, on their return to civil life, only, to servile labour, beggary and oblivion, is indeed a perilous task; yet one, which among the miracles of the American revolution, was accomplished. A happiness, for which the country was as much indebted to the commander-in-chief, as for his military services. The traits of character displayed by him in attaining this object, are more valuable than any exhibited in his previous and after life, excellent as these, certainly, were. He had his equals, perhaps superiors, in his own country, in military talent and political science; but in magnanimity, self-control, and true appreciation of fame, he was unrivalled. Had he been animated by ordinary ambition, the passion common to an Alexander, a Cæsar, a Cromwell, and a Bonaparte, he might readily have availed himself of the discontents of the army to gratify it; he might have loosed upon his country, the most ferocious of animals, an irritated soldiery, and have compelled that country to fly to military despotism, as a refuge against the worse evils of anarchy. But, with the love of

* Messrs. John Adams, Benjamin Franklin, John Jay, and Henry Laurens.

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peace, of order, of social feeling and political equality, which can never be too much praised, he said to the angry elements of discord, be still, and they obeyed his voice.

When the prospect of peace became certain, the officers of the army turned anxiously to their own condition, and asked, as an act of justice, payment of arrears, and compensation for losses sustained by a depreciated currency; and, as an act of gratitude, a reward, for services which were inestimable. To the immediate gratification of these demands, the obstacle was obvious, as irremediable, in an empty treasury. But there was a party in the national councils, who were indisposed to accept, without question, the high estimate of services made by the military—who believed that the life of the soldier, had, like other conditions, mingled good and evil, the one compensating the other; and who would not admit, that the distinction sought by thousands, despite of the labours and privations which it imposed, gave extraordinary and preferable claims upon the country. However sound, in general, might be this view of military merit, it was less just when applied to the continental army. There is no evil, it is true, which afflicted the American soldier, that had not been borne in pursuit of the very worst objects of human ambition, of absolute and unhallowed power, of the sordid love of gold. But the motive elevated the service; yet, only so long, as that motive was disinterestedly patriotic. Every effort to obtain pecuniary compensation, made *by the soldier*, stripped his pretensions of their gilding, and reduced him nearer to the grade of the ordinary mercenary. The country, but more, especially, posterity, owed to the men of the revolution, a deep debt of gratitude. But was that more due to the suffering soldier, than the suffering citizen—to him who met the enemy in arms, manfully returning blow for blow, than to him, who encountered the foe upon his hearth-stone, and unresistingly beheld his barns and his byres plundered, the wife of his bosom, and the children of his love, violated or slaughtered—to him, who, though, occasionally, scantily and precariously fed, had some assurance in the care of the nation, and in his own arms, that he should not starve, than to him, who was stripped of the loaf that he had garnered for his infants, that the soldier might not want—to him whom, depreciation of the currency, left as it found him, a pennyless man, than to him whom that depreciation despoiled of the hoards of his ancestors, and of the stores laid up during a long life of unremitting industry? Let the suffering of the soldier and the citizen, be duly compared; they will not be found more unequal than were the enjoyments for which they contended. An extraordinary gratitude continues even now, to repay the one, but no pension, no praise, has smoothed the thorny path of the other, to the grave.

With views such as we have glanced at, Congress lent a dull and unwilling ear, in the depth of pecuniary distress, to the vehement cries of the soldier; and in consonance with the experience of all times past, he demonstrated the disposition to redress his own grievances, and in his own way. An anonymous, but eloquent and inflammatory address, was circulated through the army,* exciting to this course; whilst another missive summoned the general and field-officers, to convene on the succeeding day. A crisis had thus approached, big with the fate of the nation. It was possible, for the commander-in-chief, by prompt, decisive and steady action, to avert the threatened evil; and he did not shrink from the service. He instantly noticed the seditious papers, in general orders, and called the general and field-officers, with one officer from each company, and a representation from the staff of the army, to assemble on the 15th, to consider the report of a com-

* March 10th, 1783.

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mittee which had been deputed from the army to Congress. He employed the interval, successfully, in preparing the minds of all for moderate measures. At the convention, General Gates took the chair, and Washington addressed the officers, reprobating, in the strongest terms, the anonymous addresses, not only as to the mode of communication, but, also, as to the spirit which indicted them—dwelling on the character which the army had acquired for patriotism and order—expressing undiminished confidence in the justice and gratitude of the country, and conjuring them, as they valued their honour, as they respected the rights of humanity, and as they regarded their military and national character, to express their utmost detestation of the man who was attempting to open the floodgates of civil discord, and to deluge the rising empire with blood. So absolute was the power of virtue, on this occasion, that not a voice was raised to oppose its behests. Resolutions were, unanimously, adopted, echoing the sentiments of the commander-in-chief.

These events hastened the adoption of a resolution, which had been, some time, pending before Congress, giving to the officers who preferred a sum in gross to an annuity, five years full pay, in money, or in securities at six per cent., instead of the half-pay for life, which had previously been promised them; and measures were also taken, to obtain for the troops, three months' pay in hand. At the same time, a happy mean was pursued, of dispersing the dangerous mass. The commander-in-chief was instructed, to grant furloughs to the non-commissioned officers and privates, with an intention, which, of course, was persevered in, that they should not be required to rejoin their regiments. The officers remonstrated; but the general again appeased them, and gained their acquiescence. In the course of the summer, a great proportion of the troops, who had enlisted for three years, returned to their homes; and on the third of November, 1783, all who had engaged for the war, were discharged.

By these means, an unpaid army was disbanded and dispersed;—the privates betaking themselves to labour—the officers, who had been drawn from every condition of society, from the professions, from husbandry and from trade, and the mechanic arts, returned, generally, to their primary pursuits.

One, only, exception stands forth from this scene of honourable and patriotic devotion. About eighty of the new Pennsylvania levies, who were without pretensions of suffering and service, in despite of their officers, marched from Lancaster to Philadelphia,* to seek a redress of grievances. Joining with some troops, in the barracks of the city, their force was increased to three hundred, which proceeded with fixed bayonets and drums, to the state-house, where Congress, and the supreme executive council of Pennsylvania, held their sessions. They placed guards at every door, and sent to the council a written message, threatening to loose the soldiery upon them, if their demands were not granted within twenty minutes. Congress, though not the object of the soldiers resentment, deemed themselves grossly insulted, having been restrained of their liberty for several hours. Apprehensive of further ill consequence, from this insurrection, that body adjourned, to meet at Princeton, the next place of their assemblage. General Washington, informed of this outrage, despatched fifteen hundred men, under General Howe, to quell the mutiny, which, previously to their arrival, was suppressed, without bloodshed. Several of the mutineers were tried and condemned, two, to suffer death; and four, to receive corporal punishment; but all were afterwards pardoned.

XXXII. On the 25th of November, 1783, the British evacuated New

* June 20th, 1783.

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York, and General Washington, attended by General Clinton, many civil and military officers, and a cavalcade of citizens, made a public entry into that city.

His military career was now on the point of terminating; but previously to divesting himself of his command, he proposed to bid adieu to his comrades in arms. The interview, for this purpose, took place on the fourth of December, at Francis' tavern. At noon, the principal officers had assembled, when he entered the room. His emotions were too strong to be concealed. Filling a glass with wine, he turned to them and said, "with a heart full of love and gratitude, I now take leave of you. I most devoutly wish, that your latter days may be as prosperous and happy as your former ones have been glorious and honourable." Having drank, he added, "I cannot come to each of you to take leave, but shall be obliged, if each will come and take me by the hand." General Knox being nearest, turned to him. Incapable of utterance, Washington grasped his hand, and embraced him. In the same affectionate manner, he took leave of all. Every eye was suffused with tears, and not a word broke the deep silence and tenderness of the scene. Leaving the room, he passed through the corps of light infantry, and walked to White Hall, where a barge waited to convey him to Paules Hook. The whole company followed in mute and solemn procession, testifying feelings of delicious melancholy, which no language can describe. Having entered the barge, he turned to his companions, and waving his hat, bade them a silent adieu. They returned the affectionate salute, and when the barge had left them, marched, in the same solemn manner, to the place where they had assembled.*

One other act remained, to render the fame of Washington, as imperishable as the globe on which he lived—to set an example of virtue and patriotism, which, through all time, shall inspire the good with the desire of imitation, and curb and defeat the demagogue, and the tyrant, who use political power for private ends. This was, the voluntary surrender of that almost dictatorial power, which had been granted by the sages of his country, and which he had used with unequalled prudence and conscientious reserve. This solemn and impressive duty, he performed at Annapolis, on the 23d of December, 1783, delivering his commission to the assembled council of the nation, from whom, eight years before, he had received it; and retiring to become, the first in peace, as he had been first in war, and first in the hearts of his countrymen.

* Marshall. Gordon.

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CHAPTER XVIII.

I. Peculiar sufferings of the State of New Jersey from the War.—II. Laws in New Jersey relative to the Militia.—III. Council of Safety.—IV. Military efforts of New Jersey.—V. State Representatives in Congress.—VI. Establishment of the New Jersey Gazette.—VII. Unhappy Condition of the States after the return of Peace.—VIII. Inefficiency of the Articles of Confederation—Part of New Jersey in their Adoption.—IX. Measures proposed in Congress for maintaining Public Credit—Efforts of New Jersey upon this subject.—X. She resorts to Paper Currency and Loan Office for Relief.—XI. Difficulties with Great Britain relative to the Execution of the Treaty.—XII. Measures for regulating the Trade of the Union—Result in a Proposition for Revision of the Articles of Confederation.—XIII. Adoption of the New Constitution—Ratified by New Jersey.

I. In the rapid sketch we have given of the revolutionary war, we have endeavoured to place in full relief, those events, in which the State of New Jersey bore a distinguished part, or claimed a peculiar interest. We have, thus, noticed the battles and skirmishes which took place within and around her borders, and the injuries she sustained from the marauding parties of the enemy, and the requisitions of her friends. We have seen, that the American grand army, except for a period of nine months, between September, 1777, and June, 1778, when the British occupied Philadelphia, and for the two months of the autumn of 1781, employed against Cornwallis, in Virginia, was, during the whole war, within, or on the confines of, the State. Its presence necessarily drew upon her, the perpetual observation and frequent inroads of the enemy; so that her citizens were, at no time, relieved from the evils of war. Had the American army been regularly and fully paid, some, though inadequate compensation, might have been derived from the sale of her products to additional consumers. But, unhappily, those products were, too frequently, taken without payment, or were paid for in certificates, which, for the time, were worthless.

New Jersey, therefore, in the contest, to which she was as disinterested a party as any State in the Union, suffered more than her proportion, more than any other State, South Carolina excepted. Under these inflictions, the patriotism, patience, and fortitude of her people, were merits of the highest order. Her Legislature shrunk from no effort which the general interest required, and was, commonly, among the first to act upon the suggestions of Congress. After the victories of Trenton and Princeton, her militia, though continually harassed, by the cares of defending a long line of coast, turned out with promptness and energy, at the frequent calls of the commander-in-chief; and when actually invaded, in force, upon her eastern border, despatched considerable aid to her western sister State. The commander-in-chief, and his principal officers, bear abundant testimony to the activity, courage, and patriotism of her regular troops. Still, it remains, in order to display the part borne by the State, in the revolution, that we enter somewhat more fully into the peculiar measures she pursued.

II. The subject of militia service was then, as now, one of much difficulty, in all communities where the Quakers are numerous. The doctrine of non-resistance is more admirable in theory, than admissible in practice. Probably, it can exist, only, where the State possesses an adequate number of members, who are conscientiously scrupulous in defending their rights; and that a community of non-combatants, having wherewith to excite the cupidity of others, would be converted into soldiers or slaves. In

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West Jersey, the Quakers were numerous, rich, and, as in Pennsylvania, many were not unfriendly to British pretensions. Their influence was sufficient to enervate the militia system. The ordinances of the Convention betrayed this; and the system became one of the first subjects of attention for the Legislature of the new State.

In a letter of the 24th of January, 1777, to Governor Livingston, General Washington complained of its inefficiency, and strenuously urged, that "every man capable of bearing arms, should be obliged to turn out, and not permitted to buy off his services for a trifling sum." The governor communicated and enforced this sentiment to the Legislature, whilst General Putnam, at this time, stationed at Princeton, irritated by the refusal of numbers to perform military duty, gave peremptory orders to apprehend delinquents, and to exact personal service, or to levy what he deemed proportionate fines. This arbitrary and illegal measure was properly reproved by the governor; but the general seems neither to have understood, nor relished the forbearance enjoined upon him, although sustained by orders of the commander-in-chief. In framing the new militia bill, the principle of pecuniary composition for service, was, tenaciously, retained. Again, Washington interfered, exclaiming, "How can an Assembly of gentlemen, eye witnesses to the distresses and inconveniences that have their principal source in the want of a well regulated militia, hesitate to adopt the only remedy that can remove them! And stranger still; think of a law, that must, necessarily, add to the accumulated load of confusion! For Heaven's sake, entreat them to lay aside their present opinions, and waving every other consideration, let the public good be singularly attended to! The ease they design their constituents, by composition, must be delusive. Every distinction between rich and poor, must be laid aside now."* Still the militia law, passed on the 15th of March, 1777, authorized the commutation of service, during the war.

III. More energy was infused into another act of the Legislature, enacted at this period, on the recommendation of the executive, constituting the governor, and twelve members of the Assembly, "a council of safety," with extraordinary and summary powers. The members had the authority of justices of the peace throughout the State,—they might fill vacancies in all offices during the recess of the Legislature—might correspond with Congress and other States, transact business with the officers of government, and prepare bills for the General Assembly—might apprehend disaffected persons, and imprison them, without bail or mainprize—might cause the laws to be faithfully executed, enforce the resolutions of the Assembly, and recommend to the speaker, to convene that body—and might call out such portions of the militia, as they should deem necessary, to execute the laws or protect themselves. The original act was limited to six months, but the powers given were continued and enlarged from time to time, until the middle of the year 1778. An attempt was unsuccessfully made, to revive this power in 1780. It was most usefully employed in detecting and punishing the tories.

IV. There is much difficulty in giving a minute and accurate account of the military efforts of the State. Those of the militia were, generally, desultory and momentary, whilst those of the regular troops are involved in the operations of the continental armies. All officers of the militia, above the grade of captain, were appointed by the council and Assembly, in joint meeting, who, also, nominated *all* the officers of the continental brigade, below the rank of brigadier. The militia officers, of all ranks, were frequently changed; but the changes in the brigade were little more than such as were occasioned by death and promotion.

* Sedgwick's Livingston—Vote of Assembly—State Laws.

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The first brigadiers of militia were Philemon Dickenson, Isaac Williamson, and William Livingston. General Williamson resigned sixth of February, 1777. Mr. Livingston's commission was vacated by his election as governor. On the close of June, 1776, when the militia were ordered to meet the enemy operating against New York, Colonel Nathaniel Heard was promoted to the command of the detachment of three thousand three hundred volunteers, engaged to serve until December, which had been offered to Joseph Reed, who, about this time, entered the continental service. The colonels were Philip Van Cortland, Ephraim Martin, Stephen Hunt, Silas Newcomb; lieutenant-colonels, David Brearley, David Forman, John Munson, Philip Johnson, and Bowes Reed; brigade-major, Robert Hoopes. On the eighteenth of July, Congress having authorized the commander-in-chief to call to his assistance, two thousand men from the flying camp, the Convention of New Jersey supplied their place by a like number of militia. As the success of the enemy increased, and the danger to the State became imminent, still more strenuous measures were adopted. On the 11th of August, 1776, the Convention, by ordinance, divided the militia into two classes, ordering one-half into immediate service, to be relieved, monthly. The fine imposed on privates, refusing to serve, was three pounds, only. This forced effort was, necessarily, of short duration.

On the 15th of February, 1777, General Dickenson proposing to remove from the State, tendered to the Assembly his commission of brigadier, which was accepted with a vote of thanks, for his spirited and prudent conduct whilst in office. Joseph Ellis was named his successor, but declined the commission. On the twenty-first of February, David Potter and John Neilson, on the fourth of March, Colonel William Winds, on the fifth, David Forman, and on the fifteenth Silas Newcomb, were named brigadiers. Mr. Potter declined to serve. General Forman resigned on the 6th of November, and General Newcomb on the 4th of the following month. On the 6th of June, Mr. Dickenson, having abandoned his intention of leaving the State, was appointed major-general; he held this post during the war, was frequently, as we have seen, engaged in active service, giving high satisfaction to the commander-in-chief, the constituted authorities of the State, and the troops under his command.

To the continental army, New Jersey supplied two highly distinguished general officers, and a brigade, certainly, inferior to none in the service. Lord Sterling, remarkable for his zeal and energy as a whig, was, in October, 1775, a colonel in the militia of Somerset county. He was soon after appointed to the same rank, in the first continental regiment from the province, whilst William Maxwell received the colonelcy of the second. In December, of the same year, Lord Stirling was suspended by Governor Franklin, from his seat in Council. In January, 1776, he received the thanks of Congress, for the capture of the ship Blue Mountain Valley, which, with the aid of several gentlemen, volunteers from Elizabethtown, he surprised. In March following, he became brigadier, and in February, 1777, major-general, in the continental army. He died at Albany, 15th of January, 1783, whilst in chief command of the northern department. During the war, he rendered as much personal service as any officer of his rank; and to his military merit, General Washington has borne honourable testimony.*

* William Alexander, Earl of Stirling, was the only son of James Alexander, a distinguished lawyer, of New York, and at one time, Secretary of the Province of New Jersey. William commenced business as a merchant, in New York. In 1755, he was appointed one of the army contractors, by General Shirley; and, subsequently, private secretary to that commander. Being skilled in theoretic and practical

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In February, 1776, a third battalion was raised in New Jersey, placed under the command of Colonel Maxwell, and marched for Canada. Under the resolutions of Congress, authorizing the raising of eighty-eight battalions, for the war, four were allowed to that State. In fitting them, recourse was had to the three battalions already in service, northward of Albany, and for the deficiency, to the five battalions, raised for one year, under the command of General Heard. Pursuant to the recommendation of Congress, of the 8th of October, 1779, the Assembly appointed a committee, consisting of Theophilus Elmer and Abraham Clark, to nominate the officers for the battalions, subject to the revision and confirmation of the Legislature. The first field-officers confirmed in joint meeting, were Colonels Elias Dayton, Ephraim Martin, Silas Newcomb, Isaac Shreve; Lieutenant-colonels David Brearley, Matthias Ogden, David Rhea, and Francis Barber; Majors William De Hart, Richard Howell, Joseph Bloomfield, and E. Howell. The company officers were appointed at the same time. Several changes in the field-officers, almost immediately took place.

Under the authority of Congress, in 1780, a new arrangement of the Jersey brigade was made, reducing the four battalions to three regiments, which was confirmed by the Assembly of the State, on the 26th of September, in the following manner, as to the field-officers. Of the first regiment, Matthias Ogden, colonel, David Brearley, lieutenant-colonel, Daniel Piatt, major; of the second regiment, Isaac Shreve, colonel, William De Hart, lieutenant-colonel, and Richard Howell, major; of the third, Elias Dayton, colonel, Francis Barber, lieutenant-colonel, and John Conway, major. The brigade, before and after it was thus constituted, was commanded by Brigadier-general Maxwell, and was employed, at times, in every part of the continent; wherever hard service was required, in the north, south, centre, and west.* Besides the distinguished military officers, we have above named, New Jersey gave to the continental army, Adjutant-general Joseph Reed, subsequently President of the Executive Council of Pennsylvania, and Elias Boudinot, the commissary-general of prisoners. This gentleman was, also, in 1783, President of Congress. In the civil department, she gave to the United States, a judge of admiralty, in Francis Hopkinson, and to Pennsylvania, an attorney-general, in Jonathan D. Sergeant.

V. In Congress, the State appears to have been uniformly and efficiently represented, and her delegates chosen, annually, by the Assembly, in joint ballot, to have borne an active part in all the important business of that body. We have heretofore given the names of her representatives, up to the adoption of the constitution of the State, and now append the names of those

mathematics, he was made surveyor-general of East Jersey. In September, 1756, he accompanied Shirley to England, and by his persuasions, was induced to claim the Scottish earldom of Stirling, of which he bore the family name, and which had been in abeyance, since 1739. He succeeded in establishing, in 1759, his direct descent from the titled family, before a jury of service, as required by the Scotch law, and, confident of final success, assumed the title, which was, at the same time, adopted by several other claimants. But the final decision depended on the House of Peers, which forbade all claimants of peerages to use the titles, until their rights were established. The decision was ultimately against him; but the title was given to him by courtesy, during the remainder of his life. Shortly after his return to America, he removed to Baskingridge, in the county of Somerset, New Jersey, where his father had owned extensive tracts of land; and being soon afterwards appointed a member of the King's Council, he remained at this place until the revolution. His letters to the Lords Bute and Shelburne, some of which remain, show an earnest desire to develope the resources of the colony. He made a map of the province, and endeavoured to foster its manufactures. In the year 1773, he exerted himself to discover the agents in the robbery of the treasurer, Stephen Skinner.—*Sedgwick's Life of Livingston.*

* General Maxwell resigned, 20th of July, 1780.

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who served from that period, to the organization of the present federal government.*

VI. Among other measures, and certainly not the least efficient, adopted by the Legislature, in aid of the revolution, was the establishment of the public press, and the New Jersey Gazette; designed, among other good purposes, to counteract the influence of the Royal Gazette, published by Rivington, in New York. This matter was proposed to the Assembly on the 11th of October, 1777, and was undertaken by Mr. Isaac Collins, who had been printer to the province for some years; the Legislature engaging, for seven hundred subscribers, to establish a post from the printing office to the nearest continental post office, and to exempt the printer and four workmen from militia service. Mr. Collins was a Quaker, a whig, a man of enterprise, courage and discretion. The gazette was regularly published, until the 25th of November, 1786, when other presses having been established, it was discontinued, for want of patronage. It rendered essential service to the patriot cause, and was the vehicle for the lucubrations of Governor Livingston, and other writers, who animated and directed the efforts of their countrymen.

VII. The States had universally looked forward to the return of peace, with the establishment of their independence, as to a condition of unalloyed happiness. The unyielding firmness with which their trials had been borne, and the glorious termination of the contest, gave to the people much self-satisfaction, at home, and an honourable reputation, abroad, which served as powerful stimulus to pursue their high destinies with vigour. But many obstacles opposed the rapid progress which their hopes had predicted. In the course of the long war, the people had been greatly impoverished—their property had been seized for the support of both armies, and their labour had been much devoted to military service. The naval power of the enemy had almost annihilated their commerce; the price of imports was enhanced, whilst exports were reduced much below their ordinary value. On opening their ports, an immense quantity of foreign merchandise was poured into the country; and the citizens were, generally, tempted by the sudden cheapness of goods, and by their own wants, to purchase far beyond their means of payment. Into this indiscretion they were, in some measure, beguiled, by their own sanguine calculations, on the rise of the value of their products,

* The following named gentlemen were elected to Congress at the times respectively designated.—

1776, November 30th, Richard Stockton, Jonathan Dickenson Sergeant, Dr. John Witherspoon, Abraham Clark, and Jonathan Elmer. Mr. Stockton resigned, 10th of February, 1777.

1777, November 20th, Messrs. Witherspoon, Clark, and Elmer, Nathaniel Scudder, and Elias Boudinot.

1778, November 6th, Witherspoon, Scudder, Frederick Frelinghuysen, John Fell, and John Neilson.

1779, November 17th. The delegates were reduced to three, and were, John Fell, William Churchill Houston, and Thomas Henderson.

1780, November 23d, Witherspoon, Clark, Houston, William Patterson, and William Burnett.

1781, November 2d, Clark, Houston, Elmer, Boudinot, and Silas Condict.

1782, October 30th, Boudinot, Clark, Elmer, Condict, and Frelinghausen.

1783, November 6th, Elmer, Condict, John Stephens, sen., John Beatty, and Samuel Dick.

1784, October 20th, Houston, Beatty, Dick, Lambert Cadwallader, John Cleves Symmes, and Josiah Hornblower.

1785, October 28th, Cadwallader, Symmes, and Hornblower.

1786, November 7th, Cadwallader, Clark, and James Schureman.

1787, October 31st, Clark, Elmer, Patterson.

1788, Clark, Elmer, Jonathan Dayton.

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and the evidences of the public debt, which were in the hands of most men. Extravagant estimates were made of the demand for lands, by the vast concourse of emigrants, which it was supposed equal liberty would bring from Europe; and adverting to the advantages gained by those who purchased on credit, during the prevalence of paper money, many individuals made extensive purchases at very high prices. The delusions, however, were soon dissipated, and a greater proportion of the inhabitants found themselves involved in debts they were unable to discharge. One of the consequences of this state of things, was a general discontent with the course of trade. From their superior skill and capital, and free admission to American ports, the British merchants had greater advantage in the American trade, than when the States were colonies; whilst the navigation of American ships to British ports, was prohibited, and American exports refused admission, or burdened with heavy duties. In the rich trade of the neighbouring colonies, the Americans were not permitted to participate, and in the ports of Europe they encountered embarrassing regulations. From the Mediterranean, they were excluded by the Barbary powers, whose hostility they could not subdue, and whose friendship they could not purchase.

The unpaid debt of the war was a source of great inconvenience to the country at home, whilst it caused ignominy and contempt abroad, from which there was no chance of escape, whilst the means of payment were derived from the State sovereignties. The debts of the union were computed to amount, on the first of January, 1783, to somewhat more than forty millions of dollars, which were due to three classes of highly meritorious creditors. To an *ally*, who, to the extensions of his arms, had added generous loans, and liberal donations;—to individuals in Holland, who, besides this precious token of confidence, were members of a republic, which was second in espousing our rank among nations—and to the soldiers of the war, whose patience and services, merited any other reward, than neglect and procrastination of payment; and to citizens who had originally loaned their funds, or had become purchasers of public securities.

This debt was due, part from the United States, and part from the individual States, who became immediately responsible to the creditors, retaining a claim against the general government, for the balance, which might appear on the settlement of accounts. The depreciation of the debts due from the Union, was consequent on its poverty, and inability to acquire funds; whilst the depreciation of the State debt, can be ascribed only to the want of confidence in governments controlled by no fixed principles.* In many of the States, public securities were sold at a discount of seventeen shillings in the pound. In private transactions, a great degree of distrust, also, prevailed. The bonds of debtors, of unquestioned solvency, were sold at fifty per cent. reduction; real estate was scarce vendible, and few articles could be sold for ready money, unless at a ruinous loss.

VIII. Much of the evils of this condition might have been readily removed, by an efficient general government, which could call forth and direct the wealth and energies of the people. But no such power could be derived from the loose articles of confederation, which had been, after much delay and reluctance, on the part of the States, finally adopted in 1781. These articles were laid before the Assembly of New Jersey, on the 4th of December, 1777. No action was had upon them during the then session, nor until the 15th of June, 1778, when the joint committee reported them, with sundry propositions of amendment:—1. That the delegates in Congress

* New Jersey provided for the payment of the interest, and for the final redemption of her domestic debt, by taxation.

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should take an obligation to pursue the interests of the confederation, and, particularly, to assent to no measure which might violate it; 2. That the sole and exclusive power of regulating the trade of the United States with foreign nations, should be vested in Congress; and the revenue arising from the customs, should be appropriated to the establishment of a navy, and to other public and general purposes; 3. That no body of troops should be kept up by the United States in time of peace, except by the assent of nine States; 4. That the quotas of aids and supplies from the several States should be settled every five years; 5. That the boundaries of the several States should be fully and finally established, as soon as practicable within five years; 6. That the vacant crown lands should be deemed the spoils of the war, to be applied for the general benefit; and that whilst the jurisdiction of the several States was preserved with chartered or determined limits, the vacant lands should be vested in Congress, in trust for the United States; 7. That the requisitions on the several States for land forces, should be apportioned to the *whole* of the respective population, and not to the number of white inhabitants only; 8. That for equitably ascertaining the quota of troops of each State, a census of the inhabitants should be taken every five years; 9, and lastly, That the provision which required the assent of nine out of thirteen States, in certain cases, should be so modified, that the proportion should be preserved upon an increase of the number of States.

Although the inconvenience of amending the articles of confederation, may have prevented the incorporation of these propositions, it is obvious that the statesmen of New Jersey had foreseen and supplied the omission of many principles which were essential to the welfare, nay, the existence of the Union. At various times she enforced the propriety of the general regulation of trade, and of making the crown lands a common fund; and, finally, all her suggestions were adopted in the establishment of the Union. On the 14th of November, 1778, the Assembly, reasserting the propriety and expediency of their propositions, which they forebore to press, on account of the urgency of the case, and in the hope that the States would, in due time, remove the existing inequality, adopted the articles of confederation. And on the 20th, a law authorized their delegates in Congress, to subscribe them.

IX. The utter inefficiency of the articles of confederation, became apparent almost as soon as they were adopted, and was most conclusively exemplified, in the failure of the earnest endeavour to provide for the public debt, made in 1783. Two parties, as we have elsewhere observed, began to pervade the Union. One contemplated America as a nation, and laboured incessantly to invest the federal head with powers competent to the preservation of the Union. The other, attached to the State authorities, viewed all the powers of Congress with jealousy, and assented, reluctantly, to measures which tended to render them independent of the States. Sensible that the character of the government would be determined by the measures which should immediately follow the treaty of peace, gentlemen of distinguished political acquirements, among whom were some conspicuous officers of the late army, sought a place in the Congress of 1783. They procured the assent of the House, to a system, the best that circumstances would admit, to restore and support public credit, and to obtain from the States substantial means for the funding the whole debt of the nation. They proposed that adequate funds should be raised by duties on imports, and by internal taxes, for the immediate payment of the interest, and gradual extinction of the principal; and that the quotas of the several States, should be determined, not by the value of the located lands, but by the extent of its population. It was proposed, also, as an amendment to the 8th article of the confederation, that the taxes for the use of the continent, should be levied, separately, from

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other taxes, and paid directly into the national treasury, and that the collectors should be subject and responsible to Congress. To prevent the preference in payment, for part of the debts, which might result from a partial adoption of the system, it was declared, that no part of the revenue system should take effect, until the whole had been adopted by all the States; after which, the grant was to be irrevocable, except by the concurrence of the whole, or by a majority of the United States in Congress assembled. But to remove the jealousy which obstructed the grant of power, to collect an indefinite sum for an indefinite time, the proposition was modified, so that the grant was to be limited to twenty-five years, to be strictly appropriated to the debt contracted on account of the war, and collected by persons appointed by the respective States. These resolutions were adopted on the 18th of April, 1783; and a committee, consisting of Mr. Madison, Mr. Hamilton, and Mr. Ellsworth, was appointed to recommend them by an address to the people, and Washington, himself, joined in this object, by a circular addressed to the governors of the States, respectively.*

While the fate of these measures remained undecided, requisitions for the intermediate supply of the national demands, were annually repeated, but annually neglected. From the first of November, 1784, to the first of January, 1786, there had been paid to the public treasury, only 482,397 dollars. Happily, a loan had been negotiated in Holland, by Mr. Adams, after the termination of the war, out of which the interest of the foreign debt had been partly paid; but that fund was exhausted. Unable to pay the interest, the United States would, in the course of the succeeding year, be liable for the first instalment of the principal; and the humiliation of total failure, in the fulfilment of her engagements, would be accompanied with no hope of future ability. If the condition of the domestic creditors was not absolutely hopeless, their prospect of payment was so remote, that the evidences of their claim were transferred at a tenth of their nominal value. In a word, in 1786, a crisis had arrived, when the *people of the United States* were required to decide, whether, by the establishment of a secure and permanent revenue, and the maintenance of public faith, at home and abroad, they would sustain their rank as a *nation*.

In the course of the year 1786, the revenue system, proposed in April, 1783, had been adopted by every State in the Union, New York excepted. That State had passed an act upon the subject, but influenced by its jealousy of the Federal Government, had not vested in Congress the power of collecting the duties specified in their resolutions; but had reserved to itself the levying of the duties according to its own laws, made the collectors answerable only to the State, and the duties payable in State bills, which were liable to depreciation. As the assent of every State was indispensable to the success of the plan, it was thus, wholly defeated.

New Jersey, overshadowed by her overgrown neighbours, New York and Pennsylvania, whose capitals and whose ports, made them importers, not only for themselves, but for her, had a grievance peculiarly her own—paying the duties which those States, severally, levied upon the merchandise she consumed. She was, therefore, induced, by the strongest ties of interest, to support the federative system, by which such duties, instead of being levied by individual States for their special benefit, would be received and expended for the general weal of the nation; and was indignant, that the system had been rejected by New York. Certain resolutions, expressive of her sense, upon this and other momentous subjects, were reported to the Assembly, by Mr. Abraham Clarke, on the 20th of February, 1786, and

* Dated June 8th, 1783.

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afterwards embodied in instructions to her delegates in Congress, to the following effect.

"When the revenue system of April 18th, 1783, was passed in Congress, we were then in hopes that our situation, between two commercial States, would no longer operate to our detriment; and that, those States, and others in their predicament, were, at length, convinced of the selfish and palpable injustice of subjecting others to their exactions, and then applying those exactions to the augmentation of their respective private revenues."

"The same contracted and destructive policy, that has long subsisted, still continues; and as we are convinced, that neither the public credit can be supported, the public debts paid, or the existence of the Union maintained, without the impost revenue, in some beneficial effective manner, it has become our duty to instruct you, to vote against each and every ordinance, resolution, or proceeding, whatever, which shall produce any expense to New Jersey, for the promotion or security of the commerce of these States, or any of them, from which neither the Union, in general, nor this State, in particular, derives any advantage, until all the States shall, effectually, and substantially, adopt and carry into execution, the impost above mentioned. You will see, by the representation of this State, June 25th, 1778, that the Legislature have, uniformly, held the same justice of sentiment, respecting the vacant or crown lands; relative to which, you are instructed—to vote against every proceeding, which shall tend to charge this State with any expense for acquiring, gaining possession of, or defending such territory, claimed by, or which is to accrue to, the exclusive benefit of any particular State or States, and not the Union at large."

"The Legislature has beheld, with much concern, gratuitous advances of money and partial payments, made by Congress, to importuning creditors and others, not regulated by any general and equal system, which not only impoverish the treasury, but produce discontents, and furnish bad precedents. You are, therefore, instructed not to assent to any such payments, or to the payment of any particular debts, other than foreign loans, in preference to others of a like nature, whereby a discrimination of creditors may take place. It were well if the public could pay all, promptly, but as that is impracticable, it is absolutely necessary, to act upon settled uniform plans, in paying as far as the revenue can extend."

The Assembly, also, resolved, for these reasons, "that they could not, consistently with the duty they owed to their constituents, comply with the requisition of Congress of the 27th of September, 1785, or any other of a similar nature, requiring specie contributions, until all the States in the Union should comply with the requisition of April, 1783, or at least, until the several States, having the advantage of commerce, which they now enjoy, solely from the joint exertions of the United States, shall forbear exacting duties upon merchandise, for the particular benefit of their respective States, thereby drawing revenues from other States, whose local situation and circumstances, would not admit their enjoying similar advantages from commerce."

This resolution proved so embarrassing to Congress, that a committee was appointed from that body, personally, to remonstrate with the Legislature of New Jersey, and to endeavour to procure its repeal. Whereupon, the House resolved, that "being willing to remove, as far as in their power, every embarrassment, from the councils of the Union, and that the failure of supplies from temporary demands, though clearly evinced from experience, may not be imputed to the State of New Jersey, only, the resolution of the twentieth of February, should be rescinded." Thus disappointed in procuring an equalization of the customs, the State, from the many petitions upon this

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subject, seems to have prepared itself for the establishment of a tariff of duties, upon all goods imported from the adjacent States. A measure which could have resulted only in awakening dangerous feuds with her neighbours, and in the greater oppression of her own citizens.

X. To relieve the pecuniary distress which weighed upon this State, in common with the rest of the Union, the Legislature resorted to the old expedient of issuing bills of credit, and lending them upon mortgage, through loan offices, established in the several counties. A bill for striking and making current, one hundred thousand pounds, was passed by the Assembly, in March, 1786, but was rejected in Council. The cries of the people, however, were too general and loud, to be thus disregarded; and a special session of the Legislature was holden on the 17th of May, following, when the bill passed both Houses.

XI. To increase the gloom which hung over the Union, difficulties had arisen relative to the execution of the treaty with Great Britain, which had been broken by both parties. The British had not delivered up, nor paid for, the slaves of the southern planters, nor surrendered the military posts upon the borders. Nor had the United States complied with the 4th, 5th, and 6th articles, containing agreements respecting the payment of private debts, due the British merchants, the confiscation of property, and the prosecution of individuals, for the part taken by them, during the war. Complaints were also, made, of British encroachments on the territory of the United States, from the eastern frontier. But the cause of the greatest disquiet, was the rigorous commercial system, pursued by Great Britain. To settle these vexatious questions, Mr. John Adams was, in February, 1785, appointed plenipotentiary of the United States to the British court. His efforts to give reciprocity and stability to the commercial relations, between the two countries, were unavailing; the cabinet of London declining negotiation with a government, which was unable to secure the observance of any general regulation, and to make the obligations of a treaty reciprocal.

XII. All these circumstances rendered a modification of the compact between the States, not only desirable, but inevitable, if their union was to be preserved. The immediate measures leading to a change, commenced in Virginia. On the 21st of January, 1786, a resolution was adopted in the Legislature of that State, appointing commissioners "to meet such as might be appointed by the other States in the Union, at a time and place to be agreed on, to take into consideration the trade of the United States; to examine the relative situation and trade of the said States; to consider how far a uniform system in their commercial relations may be necessary to their common interests, and their present harmony, and to report to the several States, such an act, relative to this great object, as when unanimously ratified by them, will enable the United States, in Congress assembled, effectually, to provide for the same." In the circular letter transmitting these resolutions to the respective States, Annapolis, in Maryland, was proposed as the place, and the ensuing September as the time, of meeting.

This resolution was submitted to the Legislature of New Jersey, on the 14th of March, 1786, and concurred in, a few days after. On the 21st, in joint meeting, Messrs. Abraham Clarke, William C. Houston, and James Schureman, were appointed delegates to the convention at Annapolis.

But five States,* only, were represented, on this important occasion. The delegates having appointed Mr. John Dickinson their chairman, proceeded to discuss the objects of their convention; when they soon perceived, that more ample powers were requisite to effect their contemplated purpose. They

* New York, New Jersey, Pennsylvania, Delaware, and Maryland.

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rose, therefore, without coming to any resolution, save that of recommending, to the several States, the necessity of extending the revision of the federal system, to all its defects, and the appointment of deputies for that purpose, to meet in convention, in the city of Philadelphia, on the second day of the ensuing May.

This proposition was variously received, in accordance with the temper of the several parties in the Union. Those who sought the energetic government of monarchy, and those who earnestly desired to break up the old confederation, believed, that the public affairs had not yet reached their worst state—that state which would compel a change; and, therefore, they looked coldly upon it. Others deemed the mode of calling the convention, irregular; whilst others objected to it, because it gave no authority to the plan, which should be devised. But its most active opponents were the devotees of state sovereignty, who deprecated any considerable augmentation of federal power. The ultimate decision of the States, in favour of the proposition, is supposed to have been produced, by the commotions which at that time agitated all New England, and particularly Massachusetts. Congress was restrained from giving its sanction to the measure, by an apprehension, that their action upon it would impede, rather than promote, it. From this fear, they were relieved by the Legislature of New York, which, by a majority of one voice, only, instructed its delegation to move in Congress, a resolution, recommending to the several States, to appoint deputies to meet in convention, for the purpose of revising, and proposing amendments to, the federal constitution. On the 21st of February, 1787, the day succeeding the instructions given by New York, Congress resolved it "to be expedient, that on the second Monday in May next, a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to Congress, and the several Legislatures, such alterations and provisions, therein, as shall, when agreed to, in Congress, and confirmed by the States, render the federal constitution adequate to the exigencies of government, and the preservation of the Union."

On the 24th of November, 1786, New Jersey had approved the measure, and nominated David Brearley, William C. Houston, William Patterson, and John Neilson, commissioners on her part; to whom she afterwards added, Governor Livingston, and Abraham Clark, on the 19th of May, 1787, (omitting the name of Mr. Nielson,) and Jonathan Dayton, on the 7th of June.

XIII. The representatives of twelve States convened at the time and place appointed; Rhode Island, alone, having refused to send deputies. Having, unanimously, chosen General Washington their president, they proceeded with closed doors, to discuss the interesting subject submitted to them. Upon the great principles of the system, not much contrariety of opinion is understood to have prevailed; but the various and intricate modifications of those principles, presented much difficulty. More than once, there was reason to fear, that the convention would rise without effecting the object for which it was formed. Happily, the advantages of the Union triumphed over local interests. And at length, on the 17th of September, the constitution of the United States of America, was given to the world.

Although earnestly devoted to the establishment of a strong and permanent government for the Union, New Jersey was anxious to preserve the original equality of the States, which had given to each, in Congress, before and after the adoption of the articles of confederation, a voice alike potential. The pretension was unjust, considering the United States as composed of one people, but had a colour of propriety when they were viewed as a confede-

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ration of independent States. The "New Jersey plan," as it was termed, was proposed by Mr. Patterson, and sustained by the delegates of New Jersey, Connecticut, Delaware, and in part of Maryland. To its introduction we, probably, owe that provision of the constitution of the United States, which gave from the several States, an equal representation in the Senate.*

The convention directed the result of their labours to be laid before Congress; and that it should afterwards be submitted to a convention of delegates, chosen in each State by the *people*, thereof, under the recommendation of its Legislature, for their assent and ratification; and that so soon as the conventions of nine States should have ratified it, it should be carried into operation by Congress, in a mode prescribed.

When submitted to the *people*, the merits of this constitution were fully and rigorously discussed, not only in the several conventions, but in the periodical papers of the day. The federal, and the State-right parties, which divided the country, maintained their views with equal zeal; but the first, after an arduous struggle, prevailed. In producing this result, Messrs. Madison, Jay, and Hamilton, were among the most efficient and distinguished agents, and their essays under the title of the *Federalist*, form a valuable treatise on government, which must continue to be the text book for, at least, the statesmen of North America.

So balanced were the parties in some of the States, that even after the constitution had been long discussed, its fate could scarcely be conjectured; and so small in many instances, was the majority in its favour, as to afford ground to believe, that had the influence of character been removed, the merits of the instrument would not have secured its adoption. And in some of the adopting States, a majority of the people are supposed to have been opposed to it. The commissioners of New Jersey, reported to the Assembly the proceedings of the Convention, on the 25th of October, 1787. And Congress having unanimously resolved, that the constitution be transmitted to the several States, for consideration, the House, unanimously, on the 29th of October, recommended, such inhabitants of the State as were entitled to vote for representatives in the General Assembly, to elect on the fourth Tuesday of November, from each county, three delegates to a convention, to meet at Trenton, on the second Tuesday of December, to consider, and if approved, to ratify, the constitution.

The State Convention met on the 11th of December, 1787, and chose John Stephens, president, and Samuel Witham Stockton, secretary. After establishing rules for its government, it resolved, "that the federal constitu-

* The plan of Mr. Patterson contemplated the amendment of the articles of confederation—By vesting in Congress power—To raise a revenue by duties on imposts, stamps, and postage—To regulate trade and commerce with foreign nations, and between the States; all punishments, fines, forfeitures, and penalties, to be adjudged by the common law judiciary of the State, in which the offence should be committed, subject to an appeal to the judiciary of the United States—To make requisitions upon the several States, in proportion to the whole number of inhabitants, including those bound to servitude for a term of years, and three-fifths of slaves; and in case of non-compliance, to direct the collection of the same—To elect a Federal Executive to consist of several persons, paid by Congress, having power to appoint all Federal officers, &c.—To establish a Federal Judiciary, consisting of a supreme tribunal, appointed by the Executive, during good behaviour, to have original jurisdiction in case of impeachment, and appellate jurisdiction in cases relating to ambassadors, captures, piracy and felony on the sea—To impose an oath of fidelity, &c. on all officers—To make the Federal laws and treaties the supreme laws of the land, and to call forth the military powers of the confederated States, to enforce such laws—To provide for the admission of new States into the Union—To provide for deciding upon all disputes between the United States and an individual State, respecting territory—To make a uniform rule of naturalization, &c. &c.

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tion be read, by sections, and that, as so read, every member make his observations thereon; that after debating such section, the question be taken, whether further debate be had thereon; and if determined in the negative, that the convention proceed in like manner to the next section, until the whole be gone through; upon which the general question shall be taken, Whether the Convention in the name, and on behalf of the people of this State, do ratify and confirm the said constitution?" And on Tuesday, the 18th of December, the constitution was, unanimously, adopted, without a single amendment. On the 19th, the members of the Convention went in solemn procession, to the Court House, where the ratification was publicly read to the people.*

The twelve articles of amendment, which were proposed and adopted, at the first session of the first Congress, were ratified by this State, by an act passed on the 20th of November, 1789. That the happiness of all the citizens of the United States has been promoted and secured, by the Federal Constitution, admits not of doubt. But, to New Jersey, especially, that instrument brought peace, protection and prosperity. Condemned, by circumstances, which she could not control, to abandon all prospect of foreign commerce, she would have been dependant upon New York on the east, and Pennsylvania on the west, for her supplies of foreign merchandise. For so valuable a customer, those States would, probably, have contended between themselves; and the inhabitants on the shores of the Delaware and its tributaries, would have made common interest with Philadelphia, whilst those on the banks of the Hudson and the sea coast, would have been controlled by the merchants of New York. Less causes have divided States, have given birth to civil wars, followed by the subjection of the country. New Jersey might have become the prize for which her great neighbours would have resorted to arms; and her greatest happiness might have been, to be conquered by the strongest.

From the dread of these evils, the Union has, happily, delivered her, and left her at perfect liberty to pursue, with unerring certainty, the welfare of her citizens. Debarred from foreign commerce, she has turned her providence to agriculture and manufactures. For the first, the diversity of her soils is admirably adapted. For the second, her mines and her streams have fitly prepared her. From both, she has continued to derive, abundantly, morals, wealth, and happiness. Since the adoption of the Federal Constitution, few subjects of historical interest have occurred,—public business has flowed in a silent and tranquil stream, and individual prosperity has been uninterrupted. The fondest wish of the patriot heart, must be, that the Union, the Federal Constitution, and the weal of the State, which are inseparable, may, also, be perpetual.

* New Jersey was the third State to ratify the constitution, being preceded only by Delaware, on the 7th, and Pennsylvania, on the 12th, of December.

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APPENDIX.

NOTE A.—Page 6.

The Hudson and Delaware rivers have been known under various names, by the aborigines and the whites. Thus, the Hudson was called *Manahatta*, from an Indian nation near its mouth. *Mahakaneghtac*, or *Mohican-nittuck*, and *Mohegan*, from the Mohicans; *Shattemuck*, perhaps a corruption of the preceding; and *Cohetaba*, by the Iroquois. The Dutch and English termed it the North, to distinguish it from the Delaware, or South river. The Dutch also called it Mauritius river, in honour of Prince Maurice. The Spaniards are supposed to have called it *Riviere de Montagnes*, from the Highlands through which it passes.

The Delaware, among the natives, was known as the *Poutaxat*, *Marisqueton*, *Makeriskitton*, and *Makerisk-kiskon*, and *Lenape-wihittuck*, stream of the Lenape. By the Dutch it was called Zuydt, or South, Nassau, Prince Kendrick's, or Charles' river; and by the English, the Delaware. The derivation of the last name is doubtful. Campanius says it was so named, from Mons. De la Warre, a captain under Chartier; and that it was discovered in 1600; whilst Stith informs us, that Thomas West, Lord Delaware, discovered and gave it his name, in 1610, and that he died opposite its mouth, on a second voyage to Virginia, in 1618. In Heylin's Cosmography, originally written in 1648, but continued by Edward Bohun to 1703, this river is called *Arasapha*.

NOTE B.—Page 18.

The description given by Plantagenet, was doubtless very enticing, and it would seem that the country had been pretty well explored, since he speaks familiarly of "iron stone, and by it, waters and falls, to drive iron-works, in an uninhabited desert." He speaks also, of lions, for which probably the panthers were taken. On religious subjects, the views of the projectors were liberal for the age, since there was to be "no persecution to any dissenting; and to all such, as to the Walloons, in Holland, free chapels; and to punish all as seditious, and for contempt, as bitter rail, and condemn others of the contrary."

NOTE C.—Page 84.

There is a singular pleasure in contrasting the order and moral beauty which has arisen from the chaotic materials of primitive Quakerism. To the philosophic mind, the dependence on the *divine light within*, as the guide of moral action, is little else than an abandonment of the understanding to every capricious impulse, and "wind of doctrine." Intense zeal has but two modes of expending itself—by action upon others, or upon ourselves. In the first case, its fruits are, commonly, active force and oppression, of which the history of every sect, is but too full of example; and in the second, it is passive resistance, whose reaction is equal to any power that can be brought to bear upon it. But this species of force requires the homogeneity and condensation of the parts of the suffering body. These were given by the establishment of the "discipline" of the Quakers, providing practical rules of action for life, and requiring the assent of a large portion of the society, to all public demonstrations of its faith and doctrines; whilst, at the same time, watchful guardians observed and regulated, by timely monition, the walking of the brethren. In these causes, of which the peculiarity of garb, the Quaker uniform, is but part, lay the strength of the society. The persecution it sustained, was an exterior force aiding its integrity and preservation, and without which, it is possible, the society cannot resist the centrifugal power of the *inward divine light*. For, when that ceased, a disintegration commenced, which has already produced a broad separation of the parts, and may ultimately resolve the whole body into primitive monads.

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From the writings of modern historians, and apologists of Quakerism, we might suppose, that none of the Quakers, who were imprisoned by the magistrates, at this period, had been accused of aught but the profession of their peculiar doctrines, or attendance at their peculiar places of worship. But very different causes of their imprisonment, have been transmitted to us, even by the sufferers themselves, and which leave it questionable whether the greatest wrong they sustained, was not the committal to the gaol, instead of the lunatic hospital. These sectarians, who have always professed and inculcated the maxims of inviolable peace, who not many years after their association, were accounted philosophical deists, seeking to pave the way to a scheme of natural religion, by allegorizing the distinguishing articles of the Christian faith, and who are, now, in general, remarkable for calm benevolence, and peculiar remoteness from active efforts to make proselytes, were, in their infancy, the most impetuous zealots, and inveterate disputers. In their eagerness to convict the world, and to bear witness from the fountain of oracular testimony, which they supposed to reside within them, against a regular ministry, which they called a priesthood of Baal, and against the sacraments, which they termed carnal and idolatrous observances, many committed the most revolting blasphemy, indecency, and disorderly outrage.

We refer our readers, on this subject, to *Sewal's History*, Howell's State Trials, vol. v. p. 801—vol. vi. p. 998; Hume's History of England, vol. vii. p. 336; Besse's "Collection of the Sufferings of the People called Quakers;" Fox's Journal, &c.

NOTE D.—Page 37.

The being a party to this agreement, constitution, or concessions, confers an honour upon a descendant, of which many inhabitants of New Jersey may now justly boast. The names of the signers, one hundred and fifty in number, may be found in the Appendix to Smith's History, page 538, and Leaming and Spicer's Collection, page 409.

NOTE E.—Page 38.

Thomas Hutchinson, of Beverley; Thomas Pierson, of Bonwicke, yeoman; Joseph Helmsly, of Great Kelke, yeoman; George Hutchinson, of Sheffield, distiller; and Mahlon Stacy, of Hansworth, tanner; all of the county of York, were principal creditors of E. Byllinge, to whom several of the other creditors made assignments of their debts, which together amounted to the sum of £2450 sterling, and who took in satisfaction, seven full, equal and undivided ninetieth parts of ninety equal and undivided hundred parts of West Jersey; and the same was conveyed to them, their heirs and assigns, by William Penn, Gawen Lawrie, Nicholas Lucas, and E. Byllinge, by deed, bearing date, *the first of the month called March*, 1676: And by another conveyance of the same date, from and to the same persons, in satisfaction for other debts, to the amount of £1050 sterling, three other full, equal and undivided ninetieth parts of the aforesaid ninety equal and undivided hundred parts of West Jersey, were also conveyed.—*Smith's Hist. New Jersey*, p. 92, *n*.

NOTE F.—Page 39.

Among these first settlers of Burlington, were Thomas Olive, Daniel Wills, William Peachy, William Clayton, John Crips, Thomas Eves, Thomas Harding, Thomas Nositer, Thomas Farnworth, Morgan Drewet, William Pennton, Henry Jennings, William Hibes, Samuel Lovett, John Woolston, William Woodmaney, Christopher Saunders, and Robert Powell. John Wilkinson and William Perkins were with their families, passengers, but dying on the voyage, the latter were duly protected, and aided by their fellow passengers. Perkins became a Quaker, early in life, and lived well in Leicestershire; but, in the fifty-second year of his age, was induced, by a favourable account of New Jersey, written by Richard Hartshorne, to embark with his wife, four children, and some servants. Among the last, was one Marshall, a carpenter, whose services were most useful in setting up the habitations of the new comers.

NOTE G.—Page 40.

In the *Willing Mind* came James Nevill, Henry Salter, George Deacon, and other families; in the *Martha*, Thomas Wright, William Goforth, John Lynam, Edward Season, William Black, Richard Dungworth, George Miles, William Wood, Thomas

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Schooley, Richard Harrison, Thomas Hooten, Samuel Taylor, Marmaduke Horseman, William Oxley, William Lex, Nathaniel Luke, the families of Robert Stacy, and Samuel Odas, and Thomas Ellis, and John Barts, servants sent by George Hutchinson. Letters from the first emigrants, from John Cripps, Thomas Hooten, William Clark, and others, to their friends in England, descriptive of the richness and capabilities of the soil, abundance of game and fruits, temperature of the climate, excellence of the water, and kindness of the aborigines, induced many to emigrate. In *The Shield*, came William Emley, the second time, with his wife, two children, one born by the way, two men, and two women servants; Mahlon Stacy, his wife, children, and several servants, men and women; Thomas Lambert, his wife, children, and several men and women servants; John Lambert and servant; Thomas Revell, his wife, children, and servants; Godfrey Hancock, his wife, children, and servants; Thomas Potts, his wife, and children; John Wood and four children; Thomas Wood, wife, and children; Robert Murfin, his wife, and two children; Robert Schooley, his wife, and children; James Pharo, wife, and children; Susannah Farnsworth, her children, and two servants; Richard Tattersal, his wife, and children; Godfrey Newbold, John Dewsbury; Richard Green, Peter and John Fretwell; John Newbold; one Barns, a merchant from Hull, Francis Barwick, George Parks, George Hill, John Heyres, and several more.

In the ship from London, 1678, came John Denn, Thomas Kent, John Hollinshead, with their families; William Hewlings, Abraham Hewlings, Jonathan Eldridge, John Petty, Thomas Kirby, with others: the first of these settled about Salem, the rest at Burlington. About this time, and a few years afterwards, arrived at Burlington, the following settlers from England, viz. John Butcher, Henry Grubb, William Butcher, William Brightwin, Thomas Gardner, John Budd, John Bourten, Seth Smith, Walter Pumphrey, Thomas Ellis, James Satterthwaite, Richard Arnold, John Woolman, John Stacy, Thomas Eves, Benjamin Duffeld, John Payne, Samuel Cleft, William Cooper, John Shinn, William Biles, John Skein, John Warrel, Anthony Morris, Samuel Bunting, Charles Read, Francis Collins, Thomas Mathews, Christopher Wetherill, John Dewsbury, John Day, Richard Basnett, John Antrem, William Biddle, Samuel Furnace, John Ladd, Thomas Raper, Roger Huggins, and Thomas Wood.

About this time also, arrived John Kinsey. His father, one of the commissioners, dying on his arrival, the charge of the family fell upon him. He and his son became much distinguished in the province, holding many public stations. The latter died chief justice of Pennsylvania.

NOTE H.—Page 43.

The names of this Assembly and Council, and the forms of their engagements, may be seen in Leaming and Spicer's Collection of Grants, &c. p. 456.

NOTE I.—Page 46.

We purposed to reprint here, the act relating to the Confession of Faith; but our space does not permit it. It will be found in Leaming and Spicer's Collection, p. 548.

NOTE K.—Page 48.

The salary of the Governor was, generally, fifty pounds a year, paid in country produce, at prices fixed by law, and sometimes, four shillings a day besides, to defray the charges while a session was held: the wages of the Council and Assembly, during the sitting in legislation, was, to each member, three shillings a day: the rates for public charges, were levied at two shillings a head, for every male above fourteen years.

In 1668 the council consisted of six, viz. Nicholas Verlet, Robert Bond, Robert Vanquellin, Daniel Price, Samuel Edsall, and William Pardon; the Assembly of twelve, viz. Casper Steenmets, Baltazar Bayard for Bergen, John Ogden, senior, John Brackett for Elizabethtown, Robert Treat and Samuel Swame for Newark, John Bishop and Robert Dennis for Woodbridge, James Grover and John Bound for Middletown and Shrewsbury.

NOTE L.—Page 51.

It is not difficult to understand how a friendly intercourse originated between the leading persons among the Quakers, and Charles II. and his brother. The

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Quakers desired to avail themselves of the authority of the King, for the establishment of a general toleration, and for their own especial defence against the enmity and dislike of their numerous adversaries. The King and his brother regarded, with great benevolence, the principles of non-resistance, professed by Friends, and found in them, the only class of Protestants, who could be rendered instrumental to their design of re-establishing Popery, by the preparatory measure of general toleration. But how the friendly relation thus created, between the royal brothers, and such men as Penn and Barclay, should have continued to exist, uninterrupted by all the tyranny and treachery which the reigns of these princes disclosed, is a difficulty which their contemporaries were unable to solve, otherwise than by considering the Quakers, as at bottom, the votaries of Popery and arbitrary power. The more modern and juster, as well as more charitable censure is, that they were dupes of kingly courtesy, craft, and dissimulation. They endeavoured to make an instrument of the King; while he permitted them to flatter themselves with this hope, that he might avail himself of their instrumentality, for the accomplishment of his own designs.—*Grahame's Col. Hist.*

NOTE M.—Page 51.

By recurring to the letters of Rudyard, first deputy-governor of East Jersey, Samuel Groome, surveyor, Lawrie, deputy-governor, John Barclay, and Arthur Forbes, to the proprietaries in London, the reader will perceive how strong and favourable were the impressions on the minds of the first settlers, in relation to the country. See Smith's Hist. New Jersey, from page 168 to 188.

NOTE N.—Page 55.

The counsellors named in the instructions were Edward Hunlake, Lewis Morris, Andrew Bowne, Samuel Jennings, Thomas Revel, Francis Davenport, William Pinhorne, Samuel Leonard, George Deacon, Samuel Walker, Daniel Leeds, William Sanford, and Robert Quarry. Quarry was said to be of the council of five governments at one time; viz. New York, New Jersey, Pennsylvania, Maryland, and Virginia. He died about the year 1712.—*Smith*, p. 231, *n.*

NOTE O.—Page 66.

A dispute was long pending between the general proprietors and the inhabitants of Newark, relating to lands included within the bounds of three Indian purchases, called the Mountain, the Horse Neck, and Van Gieson's. After several suits at law and equity, the contest was referred to arbitrators, mutually chosen by the parties, who awarded in favour of the general proprietors. Some of the defendants, dissatisfied with the award, endeavoured to excite the others to further contest, gave occasion for the letter of Mr. Ogden, who was council for the proprietors. His clear and satisfactory exposition of the case, most probably prevented a continuation of the controversy. We find the letter too long to be copied. It may be seen in a small pamphlet, in the Philadelphia Library, as noted, at page 66 of the text.

NOTE P.—Page 77.

The curious reader will find at the end of vol. iv. of the printed Minutes of the Assembly, in the State Library, at Trenton, a MSS. "table of the sittings of Assembly, from the surrender, in the year 1702, to the revolution, in 1776, with the names of the governors and speakers;" and also, "a list of the members of Assembly during the same period."

NOTE Q.—Page 81.

Names of the Legislative Council, in 1707, Richard Ingoldsby, lieutenant-governor, William Pinhorne, R. Mompesson, Thomas Revell, Daniel Leeds, Daniel Coxe, Richard Townly, Robert Quarry, and William Sandford.

NOTE R.—Page 82.

This illness of Jennings proved mortal, after a year's duration. He was a zealous minister among "Friends;" and upon all occasions took an active part in public affairs, in which he was alike distinguished by ability and integrity. His warm and sanguine temperament, was ordinarily controlled by a sound and experienced judg-

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ment; but it sometimes betrayed him into hasty and passionate conduct, of which his treatment to Keith, the apostate Quaker, whilst on trial before the court at Philadelphia, was a remarkable instance, and perhaps justified the charge made by the schismatic, that "he was too high and imperious, in worldly courts." He was an ardent lover of liberty, and firm and fearless in its defence. And though his manners were stern and severe, he was always sought by the people when important services were required. Twenty-eight years of his life were devoted to public employment; part of which, in Philadelphia. In private life, says Smith, "alive to the more generous emotions of a mind formed to benevolence, and acts of humanity, he was a friend to the widow, the fatherless, and the unhappy; tender, compassionate, disinterested, and with great opportunities, he left but a small estate; abhorring oppression in every shape, his whole conduct, a will to relieve and befriend mankind, far above the littleness of party and sinister views. He left three daughters, who intermarried with three brothers, by the name of Stevenson, whose posterity reside in New Jersey and Pennsylvania."

Thomas Gordon, his successor, was intimately connected with the proprietaries of East Jersey, before the surrender of the government in 1702. In 1697–8, he was deputy-secretary, and register of the province, and one of the council; and in 1702, on the removal of William Dockwra, he was appointed principal secretary. He was several years a representative in the Assembly, after the surrender; was treasurer for the eastern divison of the province, and distinguished in Perth Amboy as a pious member and liberal patron of the Episcopal church. He died on the 28th of April, 1722, aged seventy years. A tomb-stone in the grave-yard of St. Peter's church, at Amboy, with a long Latin inscription, commemorates his virtues.

NOTE S.—Page 83.

The Assembly of New York adopted resolutions, declaring, that the levying money on her Majesty's subjects of the colony, under any pretence, without the consent of the General Assembly, was a violation of the people's property; and that the freemen of the colony had an unquestionable, perfect and entire property in their goods and estate. We recognise, here, the principles which subsequently led to the revolution. The Assembly, also, denounced the practice of Cornbury, in levying imposts on trade, and establishing fees without the sanction of law.

NOTE T.—Page 86.

The members of Council named in the instructions of Governor Hunter, were Lewis Morris, William Pinhorne, George Deacon, Richard Townley, Daniel Coxe, Roger Mompesson, Peter Sonmans, Hugh Huddy, William Hall, Thomas Gordon, Thomas Gardiner, Colonel Robert Quarry. The Queen, on the receipt of the remonstrance of the Assembly, appointed John Anderson, Elisha Parker, Thomas Byerly, John Hamilton, and John Reading; removing Pinhorne, Coxe, Sonmans, and Hall.

NOTE U.—Page 94.

We give the following abstract from the minutes of the Assembly, indicative of the spirit of the times, and exemplifying the matter which occasionally occupied the Legislature. On the 24th of January, 1719, the House appointed a committee to inquire into certain printed libels, and personal abuse against its members. One Benjamin Johnson, of Monmouth, had said to William Lawrence, a member from that county, "You Lawrence, are a pitiful pimping fellow, and have been false to your trust in the Assembly." On the complaint of Lawrence, Johnson was ordered into arrest by the House; but he avoided its displeasure by absconding. A passage in Titan Leeds' Almanac, for 1718, was voted libellous, and the author and printer were ordered into the custody of the sergeant-at-arms. Leeds was apprehended; but we do not know how punished. Two pamphlets, one entitled, "*A further discovery of the mystery of trade, proposed by A B*," and the other, "*Proposals for traffic and commerce in New Jersey*," were also declared to be libellous, the books condemned to be burned by the common hangman, and a reward offered for the apprehension of the authors. William Sandford and Thomas Buskirk, Esq. of Bergen county, were arrested on the speaker's warrant, for having reported, that Mr. Philip Schuyler, a member of the House, "*had drank a health to the damnation of the governor and the justices of the peace.*" Sandford admitted and justified the declara-

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tion; producing the affidavit of the coroner of the county, to the uttering of the words by Schuyler. Schuyler denied the words, but said, that he had quarrelled with the coroner, and had kicked him. Whereupon, the House gave the member permission to withdraw and go home, that he might procure evidence to disprove the charge thus brought against him. Sandford and Buskirk were discharged from custody. A copy of the affidavit was denied to Schuyler. Subsequently, the coroner was required to name the persons present, when the offensive words were alleged to have been uttered. These persons having no remembrance of the words, Schuyler was acquitted by a solemn vote, and permitted again to take his seat. But the proceedings against Sandford and Buskirk were not renewed.

NOTE V.—Page 97.

The members of council, named in the instructions of Governor Burnet, were Lewis Morris, Thomas Gordon, John Anderson, John Hamilton, Thomas Byerly, David Lyell, John Parker, John Wills, John Hugg, John Johnson, junior, John Reading, and Peter Bard.

NOTE W.—Page 105.

We refer the reader to Sparks' Life of Governeur Morris, for a full account of this family, which has been distinguished for so many years in New York and New Jersey.

NOTE Z.—Page 121.

"It was rumoured at an early period, that Braddock had been shot by his men. More recently, it has been stated, by one who could not be mistaken, that in the course of the battle, Braddock ordered the provincial troops to form a column. They, however, adhered to the Indian mode of firing, severally, from the shelter of the trees. Braddock, in his vexation, rode up to a young man by the name of Fawcett, and with his sword, rashly cut him down. Thomas Fawcett, a brother of the killed, soon learned his fate, and watching his opportunity, revenged his brother's blood, by shooting Braddock, mortally, through the body. Thomas Fawcett dwelt near Laurel Hill, Pennsylvania, until above ninety-seven years of age."—*Register of Pennsylvania, by S. Hazard, Jan. 28th*, 1828.

NOTE AA.—Page 140.

The following abstract from the address of Mr. Speaker Ogden to the House, exhibits, strongly, the state of the public feeling. "I am so unhappy as to find, that my conduct, which was the consequence of this opinion, formed on the most deliberate, impartial, and disinterested reasoning on the subject, has been put in an unfavourable light, and has made me the object of too general a resentment; I trust, that Providence will, in due time, make the rectitude of my heart, and my inviolable affection to my country, appear in a fair light to the world, and that my sole aim was the happiness of New Jersey. But, as at present, there appears a great dissatisfaction at my conduct, that has spread even among some of my constituents, whom I have served many years in General Assembly, to the utmost of my abilities, I beg leave of the House, to resign my seat in it, whereby my constituents may have an opportunity of sending another person in my room, who may act more agreeable to their present sentiments: though I am well assured, that no person can be found, who will study their welfare more sincerely, nor pursue it with more steadiness and integrity than I have done."—*Votes of Assembly.* Mr. Stephen Crane was elected in the place of Mr. Ogden.

NOTE BB.—Page 152.

The suit instituted, if any, against the treasurer, Stephen Skinner, was never brought to trial. He adhered to the British in the revolutionary war, and all his property in New Jersey, was confiscated and sold for the benefit of the State.

NOTE CC.—Page 164.

List of deputies in the provincial Congress, May, June, and August, 1775.

Bergen County, John Fell, John Demarest, Hendrick Kuyper, Abraham Van Buskirk, Edw. Merselius. *Essex*, Henry Garritse, Michael Vreeland, Robert Drummond, John Berry, William P. Smith, John Stiles, John Chetwood, Abraham Clark, Elias Boudinot, Isaac Ogden, Philip Van-Cortlandt, Bethuel Pierson, Caleb Camp. *Middlesex*, Nathaniel Heard, William Smith, John Dunn, John Lloyd, Azariah Dun-

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ham, John Schurman, John Wetherill, David Williamson, Jonathan Sergeant, Jonathan Baldwin, Jonathan Deare. *Morris*, William Winds, William De Hart, Peter Dickerson, Jacob Drake, Ellis Cooke, Silas Condict. *Somerset*, Hendrick Fisher, John Roy, Peter Schenk, Abraham Van Neste, Enos Kelsey, Jonathan D. Sergeant, Frederick Frelinghuysen, William Patterson, Archibald Stewart, Edward Dument, William Maxwell, Ephraim Martin. *Monmouth*, Edward Taylor, Joseph Saltar, Robert Montgomery, John Holmes, John Covenhoven, Daniel Hendrickson, Nicholas Van Brunt. *Hunterdon*, Samuel Tucker, John Mehelm, John Hart, John Stout, Jasper Smith, Thomas Lowry, Charles Stewart, Daniel Hunt, Ralph Hart, Jacob Jennings, Richard Stevens, John Stevens, junior, Thomas Stout, Thomas Jones, John Bassett. *Burlington*, Joseph Borden, Isaac Pearson, Colin Campbell, Joseph Read, John Pope. *Gloucester*, John Cooper, Elijah Clark, John Sparks. *Cumberland*, Samuel Fithian, Jonathan Elmer, Thomas Ewing. *Salem*, Andrew Sinnickson, Robert Johnson, Samuel Dick, Jacob Scoggin, James James. *Cape May*, Jesse Hand.

NOTE DD.—Page 172.

List of the deputies of the provincial Congress, elected in September, 1775.

Bergen, John Demarest, Jacobus Post, Abraham Van Buskirk. *Essex*, Abraham Clark, Lewis Ogden, Samuel Potter, Caleb Camp, Robert Drummond. *Middlesex*, John Wetherill, John Dennis, Azariah Dunham. *Morris*, William Winds,* William De Hart,* Jacob Drake, Silas Condict, Ellis Cook. *Somerset*, Hendrick Fisher, Cornelius Van Muliner,* Ruloffe Van Dyke. *Sussex*, William Maxwell,* Ephraim Martin, Thomas Potts,* Abijah Brown, Mark Thompson. *Hunterdon*, Samuel Tucker, John Mehelm, John Hart, Charles Stewart, Augustine Stevenson.* *Monmouth*, Edward Taylor, John Covenhoven, Joseph Holmes. *Burlington*, Isaac Pierson, John Pope, Samuel How,* John Wood, Joseph Newbold. *Gloucester*, John Cooper,* Joseph Ellis, Thomas Clark,* Elijah Clark,* Richard Somers.* *Salem*, Grant Gibbon, Benjamin Holme, John Holme, Edward Keasby, John Carey. *Cumberland*, Theophilus Elmer, Jonathan Eyers. *Cape May*, Jesse Hand,* Elijah [illegible]ches.

Hu[illegible] whose names are thus * marked did not attend this session of the Congress.

* The person[illegible]

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